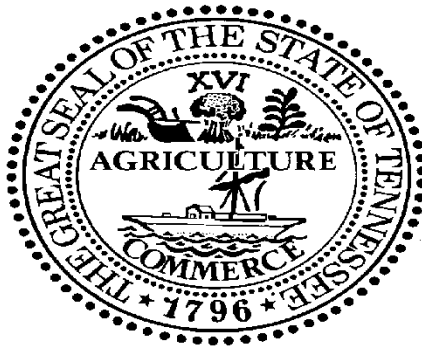


COMPILATION OF ABSTRACTS AND SELECTED SUMMARIES OF  
LEGISLATION PASSED BY THE  
ONE HUNDRED NINTH GENERAL ASSEMBLY  
2016

PREPARED BY:  
THE OFFICE OF LEGAL SERVICES  
WAR MEMORIAL BUILDING  
NASHVILLE, TENNESSEE 37243



**General Assembly of Tennessee  
OFFICE OF LEGAL SERVICES  
War Memorial Building  
Nashville, Tennessee 37243-0059**

June 23, 2016

**MEMORANDUM**

TO: Members of the One Hundred Ninth General Assembly

FROM: Karen Garrett and Doug Himes, Directors

SUBJECT: Compilation of Abstracts and Selected Summaries of 2016 Legislation

Attached for your information and use are abstracts of the 2016 Public Chapters. This abstract document is available on the Legislative Intranet under "Legal Services" "Documents and Reports" "Abstracts" "2016" and on the General Assembly's web site under "Legislation" "Publications."

Please keep in mind that the abstracts and summaries included herein are an overview of the legislation passed during the 2016 legislative session. These abstracts and summaries are not meant as a substitute for reading the actual text of the public chapters.

Please also note the Appendices containing summaries of selected legislation.

KG/DH/lp

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## ABSTRACTS OF PUBLIC CHAPTERS PASSED BY THE 109<sup>th</sup> GENERAL ASSEMBLY IN 2016

- 528** Judges and Chancellors - As enacted, establishes the procedure for the appointment, confirmation, and retention of appellate court judges pursuant to Article VI, Section 3 of the Constitution of Tennessee. - Amends TCA Title 2; Title 4; Title 6; Title 16; Title 17 and Title 38. (SB 1 / HB 142) {See Appendix "A"}
- 529** School Transportation - As enacted, extends the allowable number of years for a Type A school bus to be in service to 15 years. - Amends TCA Title 49, Chapter 10, Part 1; Title 49, Chapter 10, Part 7 and Section 49-6-2109. (HB 238 / SB 433)
- 530** Law Enforcement - As enacted, clarifies that an officer's designated beneficiary will receive a cash salary supplement for annual training despite the officer's failure to complete the required in-service training, if the failure is due to the death of the officer in the line of duty; extends eligibility to enroll and train at the law enforcement academy to criminal justice majors and to former members of the military who have been honorably discharged and who served a minimum of three years' full-time service in the military. - Amends TCA Title 38, Chapter 8. (HB 176 / SB 190)
- 531** Courts - As enacted, permits a county that has elected to permit judicial commissioners to receive continuing education from the general sessions judge that appointed the commissioners, rather than the judicial commissioners association of Tennessee or the Tennessee court clerks association, to rescind that action by two-thirds majority vote; requires Robertson County to be subject to a \$2.00 litigation tax to fund continuing education for judicial commissioners. - Amends TCA Section 40-1-111 and Section 67-4-602. (HB 703 / SB 1398)
- 532** Local Education Agencies - As enacted, authorizes the Metropolitan Nashville local board of education to conduct meetings by electronic means under the same circumstances as other local boards of education. - Amends TCA Section 49-2-203. (SB 1470 / HB 1488)
- 533** Motor Vehicles - As enacted, authorizes a person to purchase, without having a motor vehicle dealer license, a limited number of nonrepairable vehicles, salvage vehicles, or a combination of nonrepairable and salvage vehicles from an automobile auction if the automobile auction primarily sells motor vehicles on consignment. - Amends TCA Title 55, Chapter 17. (SB 508 / HB 443)

- 534** State Symbols - As enacted, designates the state flag's center emblem of a blue circle with three white five-pointed stars as the official state symbol. - Amends TCA Title 4, Chapter . (SB 1430 / HB 1405) **{See Appendix "B"}**
- 535** Sunset Laws - As enacted, extends the statewide advisory board for rehabilitation centers six years to June 30, 2022. - Amends TCA Title 4, Chapter 29 and Title 49, Chapter 11, Part 7. (SB 1495 / HB 1623)
- 536** Sunset Laws - As enacted, extends the archaeological advisory council six years to June 30, 2022. - Amends TCA Title 4, Chapter 29 and Title 11, Chapter 6, Part 1. (SB 1498 / HB 1620)
- 537** Sunset Laws - As enacted, extends the board of appeals for the department of human resources three years to June 30, 2019. - Amends TCA Title 4, Chapter 29 and Title 8, Chapter 30, Part 1. (SB 1500 / HB 1618 )
- 538** Sunset Laws - As enacted, extends the board of athletic trainers six years to June 30, 2022. - Amends TCA Title 4, Chapter 29; Title 63, Chapter 24 and Section 68-1-101. (SB 1501 / HB 1617)
- 539** Sunset Laws - As enacted, extends the state board of examiners for land surveyors five years to June 30, 2021. - Amends TCA Title 4, Chapter 29; Section 4-3-1304 and Title 62, Chapter 18. (SB 1505 / HB 1613)
- 540** Sunset Laws - As enacted, extends the board of medical examiners four years to June 30, 2020. - Amends TCA Title 4, Chapter 29 and Title 63, Chapter 6. (SB 1506 / HB 1612)
- 541** Sunset Laws - As enacted, extends the board of respiratory care six years to June 30, 2022. - Amends TCA Title 4, Chapter 29; Title 63, Chapter 27; Section 63-31-107 and Section 68-1-101. (SB 1508 / HB 1610)
- 542** Sunset Laws - As enacted, extends the bureau of ethics and campaign finance five years to June 30, 2021. - Amends TCA Title 4, Chapter 29 and Title 4, Chapter 55. (SB 1509 / HB 1609)
- 543** Sunset Laws - As enacted, extends the Tennessee center for earthquake research and information six years to June 30, 2022. - Amends TCA Title 4, Chapter 29, Part 2; Title 49, Chapter 8, Part 6 and Title 58, Chapter 9, Part 1. (SB 1510 / HB 1608)

- 544** Sunset Laws - As enacted, extends the Tennessee commission on aging and disability four years to June 30, 2020. - Amends TCA Title 4, Chapter 29 and Title 71, Chapter 2, Part 1. (SB 1511 / HB 1607)
- 545** Sunset Laws - As enacted, extends the committee for clinical perfusionists four years to June 30, 2020. - Amends TCA Title 4, Chapter 29 and Title 63, Chapter 28. (SB 1512 / HB 1606)
- 546** Sunset Laws - As enacted, extends the controlled substance database advisory committee two years to June 30, 2018; requires the advisory committee to appear before the government operations joint evaluation committee on education, health and general welfare no later than November 18, 2016, to provide an update on the advisory committee's progress in addressing the findings set forth in the October 2015 performance audit report issued by the division of state audit. - Amends TCA Title 4, Chapter 29 and Title 53, Chapter 10. (SB 1513 / HB 1605)
- 547** Sunset Laws - As enacted, extends the council of certified professional midwifery six years to June 30, 2022. - Amends TCA Title 4, Chapter 29; Section 56-54-103; Section 63-1-109; Title 63, Chapter 29; Section 68-1-101; Section 68-32-105 and Section 68-5-202. (SB 1514 / HB 1604)
- 548** Sunset Laws - As enacted, extends the Doe Mountain recreation authority two years to June 30, 2018. - Amends TCA Title 4, Chapter 29; Section 8-42-101 and Title 11, Chapter 25. (SB 1519 / HB 1599)
- 549** Sunset Laws - As enacted, extends the Douglas Henry state museum commission four years to June 30, 2020. - Amends TCA Title 4, Chapter 12, Part 1; Title 4, Chapter 20, Part 3 and Title 4, Chapter 29. (SB 1520 / HB 1598)
- 550** Sunset Laws - As enacted, extends the employee suggestion award board three years to June 30, 2019. - Amends TCA Title 4, Chapter 27 and Title 4, Chapter 29. (SB 1522 / HB 1596)
- 551** Sunset Laws - As enacted, extends the Great Smoky Mountains Park commission six years to June 30, 2022. - Amends TCA Title 4, Chapter 29 and Title 11, Chapter 19. (SB 1523 / HB 1595)
- 552** Sunset Laws - As enacted, extends the interstate compact on mental health six years to June 30, 2022. - Amends TCA Title 4, Chapter 29, Part 2; Title 33, Chapter 9, Part 2 and Title 33, Chapter 3, Part 3. (SB 1524 / HB 1594)



- 553** Sunset Laws - As enacted, extends the interstate compact on the placement of children six years to June 30, 2022. - Amends TCA Title 4, Chapter 29, Part 2; Title 36, Chapter 1; Title 37, Chapter 1; Title 37, Chapter 4 and Title 37, Chapter 5. (SB 1525 / HB 1593)
- 554** Sunset Laws - As enacted, extends the Tennessee massage licensure board six years to June 30, 2022. - Amends TCA Title 4, Chapter 29, Part 2; Title 63, Chapter 18 and Section 68-1-101. (SB 1526 / HB 1592)
- 555** Sunset Laws - As enacted, extends the Memphis regional megasite authority six years to June 30, 2022. - Amends TCA Title 4, Chapter 29; Section 13-16-206; Section 13-16-204 and Title 64, Chapter 6. (SB 1527 / HB 1591)
- 556** Sunset Laws - As enacted, extends the polysomnography professional standards committee four years to June 30, 2020. - Amends TCA Title 4, Chapter 29 and Title 63, Chapter 31. (SB 1528 / HB 1590)
- 557** Sunset Laws - As enacted, extends the public records commission eight years to June 30, 2024. - Amends TCA Title 4, Chapter 29 and Title 10, Chapter 7, Part 3. (SB 1529 / HB 1589)
- 558** Sunset Laws - As enacted, extends the selection panel for TennCare reviewers seven years to June 30, 2023. - Amends TCA Title 4, Chapter 29 and Title 56, Chapter 32. (SB 1531 / HB 1587)
- 559** Sunset Laws - As enacted, extends the Southeast interstate low-level radioactive waste compact six years to June 30, 2022. - Amends TCA Title 4, Chapter 29 and Title 68, Chapter 202, Part 7. (SB 1532 / HB 1586)
- 560** Sunset Laws - As enacted, extends the state board of accountancy four years to June 30, 2020. - Amends TCA Title 4, Chapter 29 and Title 62, Chapter 1. (SB 1535 / HB 1583)
- 561** Sunset Laws - As enacted, extends the state board of cosmetology and barber examiners two years to June 30, 2018; requires the division of state audit to conduct a question and answer review of the board in 2017. - Amends TCA Title 4, Chapter 29; Title 62, Chapter 3 and Title 62, Chapter 4. (SB 1536 / HB 1582)
- 562** Sunset Laws - As enacted, extends the state election commission eight years to June 30, 2024. - Amends TCA Title 2 and Title 4, Chapter 29. (SB 1537 / HB 1581)

- 563** Sunset Laws - As enacted, extends the state funding board eight years to June 30, 2024. - Amends TCA Title 4, Chapter 29 and Title 9, Chapter 9. (SB 1539 / HB 1579)
- 564** Sunset Laws - As enacted, extends the state TennCare pharmacy advisory committee four years to June 30, 2020. - Amends TCA Title 4, Chapter 29 and Title 71, Chapter 5, Part 24. (SB 1541 / HB 1577)
- 565** Sunset Laws - As enacted, extends the Tennessee medical laboratory board six years to June 30, 2022. - Amends TCA Title 4, Chapter 29; Section 63-1-138; Section 68-1-101 and Title 68, Chapter 29. (SB 1544 / HB 1574)
- 566** Sunset Laws - As enacted, extends the Tennessee sports hall of fame six years to June 30, 2022. - Amends TCA Title 4, Chapter 29 and Title 4, Chapter 3, Part 54. (SB 1547 / HB 1571)
- 567** Sunset Laws - As enacted, extends the Tennessee-Tombigbee waterway development authority eight years to June 30, 2024. - Amends TCA Title 4, Chapter 29 and Title 69, Chapter 8. (SB 1548 / HB 1570)
- 568** Sunset Laws - As enacted, extends the water and wastewater operators board of certification six years to June 30, 2022. - Amends TCA Title 4, Chapter 29; Section 68-203-103 and Title 68, Chapter 221. (SB 1549 / HB 1569)
- 569** Statutes and Codification - As enacted, codifies the acts of the 2015 legislative session. (SB 2622 / HB 1626)
- 570** Estates - As enacted, enacts the "Revised Uniform Fiduciary Access to Digital Assets Act." - Amends TCA Title 30; Title 31; Title 32; Title 34; Title 35 and Title 39. (SB 326 / HB 774)
- 571** Public Funds and Financing - As enacted, requires a state officer, employee, or user of certain programs to receive approval from the office of state and local finance and either the Tennessee local development authority, state school bond authority, or state funding board, as applicable, before authorizing any change, amendment, or modification to a project or program that would affect the tax-exempt status. - Amends TCA Title 4; Title 5; Title 6; Title 7; Title 8; Title 9; Title 12; Title 13; Title 41; Title 42; Title 49; Title 64; Title 68 and Title 69. (SB 1354 / HB 192)
- 572** Boats, Boating - As enacted, permits the operation of personal watercraft without the use of a lanyard type engine cutoff switch if no lanyard was installed on the watercraft at the time of

- production by the manufacturer. - Amends TCA Title 69, Chapter 9, Part 5. (SB 1620 / HB 1633)
- 573** Auditing - As enacted, replaces a reference to an accounting manual that is no longer used with a general reference to publications by the comptroller of the treasury. - Amends TCA Section 37-5-313. (SB 1641 / HB 1684)
- 574** Sunset Laws - As enacted, deletes requirement that a notice of intent to hold a public hearing on the termination, continuation, reestablishment, or restructuring of a governmental entity be published at least once every 90 days. - Amends TCA Section 4-29-104. (SB 1644 / HB 1687)
- 575** Teachers, Principals and School Personnel - As enacted, removes a teacher's duty to perform fire drills, intruder drills, or any other safety or emergency drills. - Amends TCA Section 49-5-201. (SB 1685 / HB 1630)
- 576** Administrative Procedure (UAPA) - As enacted, authorizes the secretary of state to require the online submission of rules, notices of hearings, and related filings. - Amends TCA Title 4, Chapter 5, Part 2 and Title 4, Chapter 5, Part 4. (SB 1688 / HB 2035)
- 577** Zoning - As enacted, reduces from 30 days to 15 days the notice Davidson County must provide prior to a public hearing on an amendment to a county zoning ordinance. - Amends TCA Section 13-7-105. (SB 1809 / HB 1848)
- 578** Schools, Home - As enacted, adds the Tennessee alliance of church related schools to the list of organizations membership in which makes a school a church related school with which homeschools may affiliate. - Amends TCA Title 4 and Title 49. (HB 782 / SB 484)
- 579** Constitutional Amendments - As enacted, requires a summary of a constitutional amendment to precede the question on the ballot instead of requiring a summary for only those questions exceeding 300 words in length. - Amends TCA Section 2-5-208. (SB 1219 / HB 681) ) **{See Appendix "C"}**
- 580** County Officers - As enacted, increases the fee, from \$26.00 to \$40.00, that a constable or sheriff can charge for in-person service of process. - Amends TCA Section 8-21-901. (SB 1433 / HB 1417)
- 581** Veterans - As enacted, expands eligibility for a Fallen Heroes Medal to service members killed in attacks specifically targeting service members and under other circumstances. - Amends TCA Section 58-3-113. (SB 1441 / HB 2149)

- 582** Fees - As enacted, authorizes sheriffs and constables to collect the same fee payment for unsuccessful service of process as successful service, provided, that service is attempted in accordance with the laws of the state. - Amends TCA Section 8-21-901. (HB 1467 / SB 1488)
- 583** Motor Vehicles - As enacted, exempts motor vehicles owned or leased by licensed private investigators or private investigations companies from the current restrictions on the darkness of window tint materials permitted for motor vehicles registered in this state. - Amends TCA Section 55-9-107 and Title 62, Chapter 26. (HB 1474 / SB 1493)
- 584** Motor Vehicles - As enacted, exempts recycling vehicles from restrictions on motor vehicles stopping, parking, or standing in specific places. - Amends TCA Title 55, Chapter 8 and Title 68. (HB 1483 / SB 1448)
- 585** Naming and Designating - As enacted, names the new high school to be constructed for the Tennessee School for the Deaf in honor of Alan J. Mealka. (HB 1489 / SB 1595)
- 586** Sentencing - As enacted, specifies that a defendant charged with the offense of domestic assault, child abuse, or child neglect or endangerment is not eligible for suspended prosecution and pretrial diversion. - Amends TCA Title 40, Chapter 15. (HB 1528 / SB 1564)
- 587** Public Contracts - As enacted, prohibits the state or any local government from requiring a company bidding or contracting to provide services on a public construction project to employ individuals who reside within the jurisdiction of the state or local government or who are within a specific income range, unless otherwise required by federal law. - Amends TCA Title 4; Title 5; Title 6; Title 7; Title 8; Title 9; Title 12 and Title 62. (SB 1621 / HB 1674) {See Appendix "D"}
- 588** Industrial Development - As enacted, requires that annual PILOT lessee reports and other economic development agreements be filed with the comptroller of the treasury instead of the state board of equalization. - Amends TCA Title 4, Chapter 7, Part 3; Section 7-53-305; Section 7-67-114 and Section 48-101-312. (SB 1645 / HB 1688)
- 589** Agriculture, Dept. of - As enacted, repeals obsolete fancy fresh egg marketing program. - Repeals TCA Section 53-2-106. (SB 1699 / HB 1733)
- 590** Comptroller, State - As enacted, requires the comptroller to file with the utility management review board a copy of the audited annual financial report of a financially distressed utility district within 60 days from the date the audit is filed with the comptroller; allows the board to

submit amendment suggestions to the governor and the comptroller. - Amends TCA Title 7 and Title 68. (SB 1713 / HB 1743)

- 591** Nurses, Nursing - As enacted, creates the "Nurse Licensure Compact." - Amends and repeals portions of TCA Title 4 and Title 63, Chapter 7. (SB 1725 / HB 1678)
- 592** Tennessee Bureau of Investigation - As enacted, requires the assistant director and agents of the TBI to satisfactorily complete a department of justice federal drug enforcement agency operated school, or, if these drug schools are no longer operated by the DEA, to attend a drug school selected and approved by the TBI. - Amends TCA Section 38-6-205. (SB 1764 / HB 1865)
- 593** Damages - As enacted, limits to \$25,000 the amount of compensatory damages awarded to each complaining party for losses in certain retaliatory discharge actions against employers with less than eight employees at the time the cause of action arose. - Amends TCA Title 4, Chapter 21, Part 3. (HB 1774 / SB 1785)
- 594** Consumer Protection - As enacted, enacts the "Government Imposter and Deceptive Advertisements Act." - Amends TCA Title 47, Chapter 18. (SB 1928 / HB 2049)
- 595** Accountants - As enacted, makes various changes concerning accountants; removes requirement that executive director of the state board be a CPA; clarifies eligibility for the CPA exam; changes aspects of the peer review program. - Amends TCA Title 62, Chapter 1. (SB 2078 / HB 1893)
- 596** Pharmacy, Pharmacists - As enacted, authorizes the chief medical officer of the department of health to implement a state-wide collaborative pharmacy practice agreement for opioid antagonist therapy with pharmacists. - Amends TCA Title 63, Chapter 1. (SB 2403 / HB 2225)
- 597** Sunset Laws - As enacted, creates sunrise provision for the private probation services council, June 30, 2017. - Amends TCA Title 4, Chapter 29; Title 16, Chapter 3, Part 9 and Title 40, Chapter 35, Part 3. (HB 2441 / SB 1818)
- 598** Courts, Juvenile - As enacted, revises various provisions regarding juvenile court proceedings, including adding requirements to a juvenile court petition and adding commencement of a proceeding by filing a citation. - Amends TCA Title 37, Chapter 1. (HB 2494 / SB 2575)

- 599** Labor and Workforce Development, Dept. of - As enacted, replaces references to various divisions and programs to reflect new structure of divisions within the department and to reflect appropriate name of federal programs. - Amends TCA Title 4, Chapter 3, Part 1; Title 4, Chapter 3, Part 14 and Section 8-35-221(a). (SB 2555 / HB 1551)
- 600** Courts, Juvenile - As enacted, amends juvenile court procedural requirements; grants statutory authority for pretrial or judicial diversion of juveniles. - Amends TCA Title 37. (SB 2574 / HB 2495)
- 601** Historical Sites and Preservation - As enacted, enacts the "Tennessee Heritage Protection Act of 2016." - Amends TCA Title 4, Chapter 1, Part 4. (HB 2129 / SB 2138)
- 602** Hospitals and Health Care Facilities - As enacted, permits certain existing nursing home facilities to apply for a certificate of need to relocate nursing home beds to two different sites within the same county. - Amends TCA Title 68, Chapter 11. (SB 1579 / HB 1520)
- 603** Legal Services, Office of - As enacted, revises functions of the office of legal services including duties pertaining to the code commission and duties of the revisor of statutes within the office of legal services. - Amends TCA Section 1-1-101; Section 1-1-102 and Section 3-12-109. (SB 1622 / HB 1521)
- 604** Public Officials - As enacted, allows a person to challenge a candidate's qualifications for the office of chief administrative officer of the highway department to the Tennessee highway officials certification board. - Amends TCA Title 2, Chapter 5, Part 1 and Title 54, Chapter 7.(SB 1689 / HB 1640)
- 605** Pensions and Retirement Benefits - As enacted, requires certain employees participating in TCRS to have a vesting percentage of 100 percent in retirement benefits upon attaining retirement age or completing certain years of service; revises other various provisions governing public employee benefits. - Amends TCA Title 8, Chapter 34; Title 8, Chapter 35; Title 8, Chapter 36 and Title 8, Chapter 37. (SB 1779 / HB 1919)
- 606** Local Government, General - As enacted, prohibits a local government, as a condition of doing business within the jurisdictional boundaries of the local government or contracting with the local government, from prohibiting a private employer from requesting certain information on an application for employment or during the process of hiring a new employee. - Amends TCA Section 7-51-1802. (SB 2103 / HB 2002) {See Appendix "D"}
- 607** Solid Waste Disposal - As enacted, requires TDEC to include in its annual report to the governor and general assembly concerning the solid waste management system, progress

implementation updates, including projected implement steps, on each specific component of the state's comprehensive solid waste management plan. - Amends TCA Title 68, Chapter 211. (SB 689 / HB 764)

- 608** Sunset Laws - As enacted, extends the advisory council on workers' compensation four years to June 30, 2020; replaces a reference to the Alliance of American Insurers with a reference to the Property Casualty Insurers Association of America in the provision giving examples of the interested insurance organizations that may submit a list of qualified persons that the governor may consider in appointing the nonvoting insurance company representative to the advisory council on workers' compensation. - Amends TCA Title 4, Chapter 29 and Title 50, Chapter 6. (SB 1496 / HB 1622)
- 609** Sunset Laws - As enacted, extends the applied behavior analyst licensing committee of the board of examiners in psychology six years to June 30, 2022; establishes minimum attendance requirement for committee members and removal of members who do not meet the requirement. - Amends TCA Title 4, Chapter 29, Part 2; Title 63, Chapter 11, Part 1 and Title 63, Chapter 11, Part 3. (SB 1497 / HB 1621)
- 610** Sunset Laws - As enacted, extends the board of examiners for architects and engineers four years to June 30, 2020; establishes minimum attendance requirement for board members and removal of members who do not meet the requirement. - Amends TCA Title 4, Chapter 29, Part 2; Title 4, Chapter 3, Part 13; Section 49-17-103 and Title 62, Chapter 2. (SB 1503 / HB 1615)
- 611** Sunset Laws - As enacted, extends the board of examiners for nursing home administrators six years to June 30, 2022; establishes minimum attendance requirement for board members and removal of members who do not meet the requirement. - Amends TCA Title 4, Chapter 29, Part 2; Title 63, Chapter 16; Title 68, Chapter 1, Part 1 and Title 68, Chapter 11, Part 2. (SB 1504 / HB 1614)
- 612** Sunset Laws - As enacted, extends the council for licensing hearing instrument specialists six years to June 30, 2022; establishes minimum attendance requirement for committee members and requires removal of members who do not meet the requirement. - Amends TCA Title 4, Chapter 29 and Title 63, Chapter 17, Part 2. (SB 1515 / HB 1603)
- 613** Sunset Laws - As enacted, extends the Tennessee emergency medical services board six years to June 30, 2022; establishes minimum attendance requirement for committee members and requires removal of members who do not meet the requirement. - Amends TCA Title 4, Chapter 29; Section 63-1-138; Section 68-1-101; Section 68-102-302; Section 68-11-251; Title 68, Chapter 140, Part 3 and Section 68-140-408. (SB 1521 / HB 1597)

- 614** Sunset Laws - As enacted, extends the state board for licensing alarm systems contractors four years to June 30, 2020; establishes minimum attendance requirement for board members and removal of members who do not meet the requirement. - Amends TCA Title 4, Chapter 29, Part 2 and Title 62, Chapter 32, Part 3. (SB 1534 / HB 1584)
- 615** Sunset Laws - As enacted, extends the state family support council six years to June 30, 2022; establishes minimum attendance requirement for council members and removal of members who do not meet the requirement. - Amends TCA Title 4, Chapter 29 and Title 33, Chapter 5, Part 2. (SB 1538 / HB 1580)
- 616** Sunset Laws - As enacted, extends the Tennessee advisory committee for acupuncture six years to June 30, 2022; establishes minimum attendance requirement for committee members and requires removal of members who do not meet the requirement. - Amends TCA Title 4, Chapter 29; Title 63, Chapter 6, Part 10 and Section 68-1-101. (SB 1542 / HB 1576)
- 617** County Government - As enacted, removes provision for Montgomery County that allowed the county to impose an additional penalty of 20 percent on suits to enforce tax liens for the purpose of defraying the expenses of such suits; places Montgomery County with other counties which impose an additional penalty of 10 percent for such purposes. - Amends TCA Section 67-5-2410. ( SB 1616 / HB 1628)
- 618** Public Records - As enacted, specifies that records received for surveys created, obtained, or compiled by the comptroller of the treasury are confidential; exempts surveys conducted by the office of open records counsel from this confidentiality requirement. - Amends TCA Title 4; Title 10, Chapter 7, and Title 49. (SB 1639 / HB 1682)
- 619** Sunset Laws - As enacted, terminates the state law library commission, with no subsequent wind-down period; transfers administrative authority for control and supervision of state law libraries to the AOC. - Amends TCA Title 4, Chapter 29; Title 10, Chapter 4 and Title 16. (SB 1696 / HB 1829)
- 620** Education - As enacted, allows a student attending a Tennessee school for the first time rather than attending a Tennessee public school for the first time to be eligible for an individualized education account, if the student also meets other requirements; allows the department of education to remit funds to individualized education accounts at least quarterly rather than quarterly. - Amends TCA Title 49, Chapter 10, Part 14. (SB 1735 / HB 1568)
- 621** Local Government, General - As enacted, removes provision whereby a processing fee may not exceed five percent of the amount of payment collected by credit or debit card, in regard to the authority for a local government to set and collect a processing fee in an amount that is



equal to the amount paid to a third-party processor for processing the payment. - Amends TCA Title 9, Chapter 1. (SB 1838 / HB 1698)

- 622** Education - As enacted, specifies that excluded expenditures include nonrecurring funds for priority schools in regard to provisions governing local government appropriating funds for education for nonrecurring expenditures and such funds being excluded from the maintenance of local funding requirement and from any apportionment requirement for local transportation funding. - Amends TCA Title 5; Title 6; Title 7 and Title 49. (SB 1858 / HB 1756)
- 623** Education - As enacted, requires the department of education to establish a model policy on suicide prevention; requires an LEA to adopt its own policy or the model policy on suicide prevention. - Amends TCA Title 33 and Title 49. (SB 1992 / HB 2071)
- 624** County Officers - As enacted, deletes all language and cross references for revenue commissioners. - Amends TCA Title 5, Chapter 8, Part 6; Section 8-18-109 and Section 8-21-803. (SB 1995 / HB 1971)
- 625** Physicians and Surgeons - As enacted, requires healthcare providers to provide certain women at risk of contracting cytomegalovirus (CMV) with information concerning CMV; specifies that there is no liability for failure to comply with the requirement to provide the information. - Amends TCA Title 63 and Title 68. (SB 2097 / HB 2397)
- 626** Local Government, General - As enacted, authorizes the comptroller to allow a municipality to submit two annual budgets every two years (a "biennial budget"), if the comptroller or the comptroller's designee determines that the municipality operates with sufficient financial resources to more than adequately service its issued debt. - Amends TCA Title 4, Chapter 3; Title 6 and Title 9, Chapter 21. (SB 2176 / HB 2419)
- 627** Students - As enacted, removes certain requirements governing remand to alternative schools and expulsion for students convicted of violent felonies. - Amends TCA Title 49, Chapter 6; Title 49, Chapter 1; Title 49, Chapter 2 and Title 49, Chapter 5. (SB 2256 / HB 2130)
- 628** Animal Cruelty and Abuse - As enacted, specifies that animal owners may record inspections of their animals by audiovisual means. - Amends TCA Title 39; Title 43; Title 44; Title 53 and Title 63, Chapter 12. (SB 2332 / HB 2189)
- 629** Motor Vehicles - As enacted, allows a motor vehicle to be operated, or to be equipped with, an integrated electronic display visible to the operator while the motor vehicle's autonomous technology is engaged. - Amends TCA Title 55, Chapter 8 and Title 55, Chapter 9, Part 1. (SB 2333 / HB 2173)

- 630** Intellectual & Developmental Disabilities - As enacted, expands eligibility for new and vacated beds in ICF/MR facilities to individuals from the home- and community- based services waivers and the waiting list for individuals with intellectual disabilities under certain circumstances. - Amends TCA Section 71-5-105(b)(2). (SB 1628 / HB 2136)
- 631** Pharmacy, Pharmacists - As enacted, allows a pharmacy to designate a pharmacy services administrative organization to file and handle an appeal challenging the maximum allowable cost set for a particular drug or medical product or device on behalf of the pharmacy. - Amends TCA Title 56, Chapter 7, Part 31. (SB 1789 / HB 1697)
- 632** Physicians and Surgeons - As enacted, permits medical students to apply for exemption from medical licensure requirements while practicing within the scope of certain training programs. - Amends TCA Title 63, Chapter 6 and Title 63, Chapter 9. (SB 1873 / HB 1809)
- 633** Sentencing - As enacted, requires a minimum sentence of 30 days in confinement upon conviction for flight from or attempt to elude a law enforcement officer in a motor vehicle or 60 days if the flight or attempt to elude creates a risk of death or injury to others, including pursuing law enforcement officers; adds intentionally concealing oneself to offense as a Class A misdemeanor. - Amends TCA Section 39-16-603. (SB 1966 / HB 1777)
- 634** Criminal Offenses - As enacted, clarifies that for the offense of trafficking for a commercial sex act it is not a defense to prosecution that the intended victim was a law enforcement officer or that the victim is a minor who consented to the act or acts constituting the offense. - Amends TCA Section 39-13-309. (SB 2000 / HB 1693)
- 635** Tort Liability and Reform - As enacted, enacts the "Asbestos Bankruptcy Trust Claims Transparency Act" and the "Asbestos Claims Priorities Act." - Amends TCA Title 28 and Title 29, Chapter 34. (SB 2062 / HB 2234)
- 636** Paternity - As enacted, defines the term "putative father"; makes various changes to the termination of parental rights of a putative father. - Amends TCA Title 36, Chapter 1, Part 1. (SB 2531 / HB 1531)
- 637** Courts, Juvenile - As enacted, makes various changes to the procedure for appeals from juvenile court. - Amends TCA Section 37-1-159. (SB 2571 / HB 1812)
- 638** Firearms and Ammunition - As enacted, rewrites the minimum requirements for phrases and symbols on signs prohibiting firearms in certain places open to the public. - Amends TCA Title 39, Chapter 17, Part 13. (SB 774 / HB 682)

- 639** Sunset Laws - As enacted, extends the department of transportation four years to June 30, 2020. - Amends TCA Title 4, Chapter 29 and Title 4, Chapter 3. (HB 1600 / SB 1518)
- 640** Guardians and Conservators - As enacted, grants the court discretion to waive the requirement that a fiduciary request court approval for any change in the nature of any investment if a minimum balance is maintained and other requirements are met; adds income-producing property to list of approved investments. - Amends TCA Title 34, Chapter 1 and Title 35, Chapter 3. (HB 1700 / SB 1810)
- 641** Law Enforcement - As enacted, specifies that the authorization for a law enforcement officer to carry firearms at all times, regardless of the officer's regular duties, unless otherwise prohibited by federal law, court order, or otherwise by law, applies to a sheriff who has been certified by the POST commission, and a deputy sheriff employed by a county as a court officer or corrections officer as authorized in writing by the sheriff. - Amends TCA Section 39-17-1350. (HB 1750 / SB 1667)
- 642** Taxes, Real Property - As enacted, exempts public housing authorities from property tax liability when they enter into leases that permit the public housing authority to acquire the property for a nominal sum at or before the completion of the lease term. - Amends TCA Section 67-5-203. (HB 1846 / SB 1897)
- 643** Agriculture - As enacted, specifies that the commissioner of agriculture has exclusive authority and jurisdiction over all matters related to the regulation of seed except as otherwise provided by the Tennessee Drug Control Act or any other state statute; requires commissioner to maintain a scheme for regulating seed that is uniform across the state. - Amends TCA Title 43, Chapter 10. (HB 1946 / SB 1934)
- 644** Education, Dept. of - As enacted, requires the department to post on the department's web site all legislation enacted by the general assembly related to the rights of students and parents or legal guardians; requires the LEA to provide a link to the list on the web site of the LEA. - Amends TCA Title 49, Chapter 1, Part 2. (HB 2010 / SB 1927)
- 645** Public Utilities - As enacted, extends the terms, conditions, obligations, and rights of a privilege or franchise for the provision of natural gas service furnished to certain municipalities, and in those municipalities, until approval of a subsequent privilege or franchise. - Amends TCA Title 6 and Title 65. (HB 2055 / SB 1988)
- 646** Taxes, Gasoline, Petroleum Products - As enacted, extends the deadline for wholesalers to request a refund for petroleum products sold subject to the governmental agency exemption from March 31 to June 30 of each year; removes certain purchasing requirements for

governmental agency exemption eligibility. - Amends TCA Title 67, Chapter 3. (HB 2108 / SB 1737)

- 647** Motor Vehicles - As enacted, expands authorization of all-terrain vehicles on certain portions of state highways in City of Rocky Top in Anderson County. - Amends TCA Section 55-8-185. (HB 2152 / SB 1577)
- 648** Solid Waste Disposal - As enacted, requires the commissioner of environment and conservation to conduct a study to define the processing of organic waste and incorporate the findings and recommendations into the state's comprehensive solid waste management plan. - Amends TCA Title 68, Chapter 211. (HB 2197 / SB 2225)
- 649** Motor Vehicles - As enacted, reduces, from 60 days to 21 days, the maximum period of time in which a person engaged in towing and storing motor vehicles may charge the vehicle's owner or lienholder a storage fee; decreases the period in which notification must be given under present law by persons engaged in the business of towing and storing motor vehicles to the last known registered owner and all lienholders of a vehicle from at least 14 days to at least 10 days prior to charging a storage fee; revises the applicability of the Motor Vehicle Storage Act to remove the exemption for counties with a metropolitan form of government. - Amends TCA Title 47 and Title 55, Chapter 23. (HB 1443 / SB 1476)
- 650** Election Laws - As enacted, eliminates the early voting period for a special general election if there is no opposition for any office in the election, including no write-in candidates have qualified and there are no other items on the ballot. - Amends TCA Title 2, Chapter 14 and Title 2, Chapter 6, Part 1. (HB 1475 / SB 1671)
- 651** General Assembly - As enacted, requires that a copy of all reports filed with the general assembly, the speakers of the general assembly, a committee of the general assembly, or any combination thereof pursuant to statutory requirements also be filed with the legislative reference and law library. - Amends TCA Title 3, Chapter 1, Part 1 and Section 3-12-107. (HB 1492 / SB 1573)
- 652** Sheriffs - As enacted, authorizes sheriffs and deputy sheriffs to retain service weapon upon retirement and completion of honorable service and approval by 2/3 vote of county legislative body. - Amends TCA Title 8, Chapter 8, Part 2. (HB 1513 / SB 1658)
- 653** DUI Offenses - As enacted, allows a court to order a person convicted of driving under the influence of drugs or alcohol to be subject to monitoring using a transdermal monitoring device, electronic monitoring with random alcohol or drug testing, global positioning monitoring, or any other monitoring device necessary to ensure compliance with the

conditions of probation or the results of any clinical substance abuse assessment. - Amends TCA Title 40, Chapter 33, Part 2 and Title 55. (HB 1648 / SB 1582)

- 654** Beer - As enacted, requires, when a beer permit has been denied based on the testimony of a person at a hearing, that the person be notified if an applicant seeks a permit again at the same location within 12 months. - Amends TCA Title 57, Chapter 5, Part 1. (HB 1677 / SB 2245)
- 655** Special License Plates - As enacted, requires all nonprofit organizations that receive funds from the sale of special license plates to submit an annual accounting to the comptroller and to be in good standing with the secretary of state's office; withholds funds and deems the plate obsolete if the nonprofit organization does not comply with such requirements. - Amends TCA Section 55-4-201. (HB 1683 / SB 1640)
- 656** Pharmacy, Pharmacists - As enacted, permits a pharmacist to dispense medication in a quantity that varies from the prescription under certain circumstances, so long as the units dispensed do not exceed a 90-day supply. - Amends TCA Title 63, Chapter 10. (HB 1768 / SB 1786)
- 657** Education, Higher - As enacted, permits THEC to designate private nonprofit institutions of higher education as Tennessee VETS campuses. - Amends TCA Title 49, Chapter 7, Part 13. (HB 1836 / SB 2598)
- 658** Bail, Bail Bonds - As enacted, authorizes a professional bondsman or agent of an insurance company to assess the same premium renewal fees for defendants who are not Tennessee residents as for those who are Tennessee residents after the first 12 months of a bond; authorizes a professional bondsman or agent to accept fees in equal installments and to seek indemnification, in certain instances. - Amends TCA Section 40-11-151 and Section 40-11-316. (HB 1867 / SB 1788)
- 659** Courts - As enacted, requires all pleadings and records filed in a termination of parental rights case in chancery or circuit court to be placed under seal and not subject to public disclosure, in the same manner as those filed in juvenile court, unless otherwise provided by court order. - Amends TCA Title 36, Chapter 1. (HB 1903 / SB 2072)
- 660** Education - As enacted, requires each local school board to adopt a policy on the inclusion of religion in curriculum and instructional materials; requires each LEA to create a syllabus to be made public for grades six through 12 on social studies, science, math, and English language arts courses; requires the state board to initiate a revision process for the social studies standards adopted in 2013; requires teacher training institutions to instruct candidates regarding constitutionally permissible instruction of religious content. - Amends TCA Title

49, Chapter 2, Part 1; Title 49, Chapter 5, Part 56 and Title 49, Chapter 6, Part 10. (HB 1905 / SB 2186)

- 661** Taxes, Litigation - As enacted, authorizes a county legislative body to use revenue from certain county litigation taxes for substance abuse prevention purposes if approved by 2/3 vote of the county legislative body. - Amends TCA Title 67, Chapter 4, Part 6. (HB 2155 / SB 1776)
- 662** Tort Liability and Reform - As enacted, clarifies that land ownership alone is not enough to qualify a landowner as a regular harbinger of a dog even if the landowner gave permission to a third person to keep the dog on the land. - Amends TCA Section 44-8-413. (HB 2170 / SB 1600)
- 663** Financial Responsibility Law - As enacted, beginning January 1, 2017, increases the minimum single policy limit, cash deposit, and bond amount required for proof of insurance under the Tennessee Financial Responsibility Law of 1977. - Amends TCA Section 55-12-102. (HB 2305 / SB 2463)
- 664** Child Custody and Support - As enacted, makes various technical, non-substantive revisions to the Uniform Interstate Family Support Act, including clarifying the effective date and clarifying the definition of initiating tribunal. - Amends TCA Title 36, Chapter 5 and Chapter 901 of the Public Acts of 2010. (HB 2572 / SB 2553)
- 665** Optometry - As enacted, confers immunity from civil liability for charitable organizations and free clinics, and optometrist, ophthalmologist, or dispensing optician providing services at the free clinic, involved in facilitating the dispensing of previously owned eyeglasses by licensed optometrists and ophthalmologists. - Amends TCA Title 63. (HB 1469 / SB 1567)
- 666** Tennessee Higher Education Commission - As enacted, requires THEC to establish and ensure that all postsecondary institutions cooperatively provide for an integrated system of postsecondary education; directs THEC to maintain and publish on its web site a list of postsecondary educational institutions that possess certain characteristics. - Amends TCA Title 49. (HB 1680 / SB 1734)
- 667** Education, Curriculum - As enacted, requires the state board of education, beginning with the 2016-2017 school year, to approve appropriate computer science courses such as software engineering and computer programming that every candidate for a full high school diploma may enroll in and complete to satisfy the elective focus requirement for graduation. - Amends TCA Title 49, Chapter 6, Part 60. (HB 1755 / SB 1687)

- 668** Child Custody and Support - As enacted, revises provisions governing the transfer of cases involving child support or child custody. - Amends TCA Title 36, Chapter 5, Part 30. (HB 2052 / SB 2071)
- 669** Students - As enacted, requires LEAs to provide students with certain periods of physical activity depending on grade level; deletes an obsolete reporting requirement; requires the office of coordinated school health in the department of education to provide an annual report regarding this act. - Amends TCA Title 49, Chapter 1; Title 49, Chapter 2 and Title 49, Chapter 6. (HB 2148 / SB 1983)
- 670** Labor and Workforce Development, Dept. of - As enacted, requires the department of labor and workforce development, in consultation with the department of corrections, if so requested, to report to the governor and general assembly on existing pilot programs that focus on work programs for the successful reentry of individuals to the workforce who have been convicted of a felony. - Amends TCA Title 4; Title 41 and Title 50. (HB 2334 / SB 2037)
- 671** Criminal Offenses - As enacted, adds aggravated rape of a child and rape of a child as offenses for which aggravated sexual battery is a lesser included offense. - Amends TCA Title 39, Chapter 13, Part 5 and Section 40-18-110. (SB 1459 / HB 1432)
- 672** Privacy, Confidentiality - As enacted, permits the disclosure of a decedent's mental health records to an authorized post-mortem official if necessary for the preparation of a post-mortem examination report pertaining to a case under investigation and a court order or judicial subpoena authorizes the official to obtain the records. - Amends TCA Title 33, Chapter 3, Part 1 and Title 38, Chapter 7, Part 1. (SB 1464 / HB 1625)
- 673** Education, State Board of - As enacted, provides for an annual authorizer fee to be paid to the state board if the state board is the chartering authority of a charter school. - Amends TCA Title 49, Chapter 13. (SB 1731 / HB 1807)
- 674** Emergency Communications Districts - As enacted, requires removal of members for failure to attend at least 50 percent of all regularly scheduled board meetings, rather than for having three consecutive unexcused absences; deletes procedure for removal by court order or petition of board or local governing body. - Amends TCA Section 7-86-105 and Section 7-86-314. (SB 2007 / HB 2418)
- 675** Criminal Procedure - As enacted, authorizes general sessions and criminal court judges in Knox County to suspend court costs and litigation tax for indigent defendants; authorizes criminal court clerk to implement community service program in lieu of full payment of court costs and litigation taxes for indigent defendants; provisions expire July 1, 2018. - Amends

TCA Section 8-21-401; Title 40, Chapter 25 and Title 67, Chapter 4, Part 6. (SB 2032 / HB 2078)

- 676** Employees, Employers - As enacted, requires the department of labor and workforce development to electronically submit a report to each member of the general assembly of the total number of final orders issued pursuant to the Tennessee Lawful Employment Act, and prohibited employment contract activity, by December 1 of each year. - Amends TCA Title 12, Chapter 3 and Title 50. (SB 2066 / HB 2556)
- 677** Education - As enacted, requires schools having automatic external defibrillators (AEDs) to have annual training in the use of AEDs and an annual CPR/AED drill for school personnel; requires students in junior high or senior high to receive training in the use of AEDs during CPR instruction and, if the school has an AED, participate in a CPR/AED drill; exempts schools operated by or under contract with the department of children's services. - Amends TCA Title 49. (SB 2088 / HB 1974)
- 678** Health Care - As enacted, establishes a stroke best practices and treatment guidelines task force under the department of health. - Amends TCA Title 4 and Title 68. (SB 2092 / HB 2316)
- 679** Foster Care - As enacted, creates the reasonable and prudent parent standard to be used by a caregiver when determining whether to allow a foster child to participate in activities; exempts a caregiver acting in compliance with the standard from civil liability relating to injuries the child may incur in such activities. - Amends TCA Title 37, Chapter 2, Part 4. (SB 2530 / HB 1530)
- 680** Education - As enacted, requires the department of education to develop a school grading system that assigns A, B, C, D, and F letter grades to schools. - Amends TCA Title 49, Chapter 1; Title 49, Chapter 2; Title 49, Chapter 3; Title 49, Chapter 5 and Title 49, Chapter 6. (SB 300 / HB 155)
- 681** County Government - As enacted, allows removal of overgrown vegetation and accumulated debris on owner-occupied residential property in Putnam County. - Amends TCA Section 5-1-115. (SB 1462 / HB 1439)
- 682** Safety - As enacted, expands the categories of missing citizens for whom a media alert is sent; changes name of program from "missing citizen alert program" to "Care Alert program". - Amends TCA Section 38-6-121. (SB 1485 / HB 1512)



- 683** Insurance, Health, Accident - As enacted, requires that any state mandated health benefit that takes effect on or after the effective date of this act apply not only to private health insurance issuers but also any managed care organization contracting with the state to provide insurance through the TennCare program and state or local insurance program. - Amends TCA Title 3; Title 8; Title 56 and Title 71. (SB 1619 / HB 1955)
- 684** Education - As enacted, revises the investigative and reporting responsibilities of the office of research and education accountability in the office of the comptroller and makes other changes concerning the collection and reporting of data related to education. - Amends TCA Title 4, Chapter 3; Title 10, Chapter 7; Section 49-1-106; Section 49-1-107; Section 49-1-302; Section 49-1-613; Section 49-1-908; Section 49-4-903; Section 49-6-109 and Section 49-6-4216. (SB 1638 / HB 1681)
- 685** Taxes, Real Property - As enacted, exempts owners of property that is disqualified as agricultural, forest, or open space land from liability for rollback taxes if the disqualification is due to a change in law or correction of an assessor's error and certain other conditions are met. - Amends TCA Section 67-5-1008. (SB 1642 / HB 1685)
- 686** Public Records - As enacted, requires a local government entity to make records of proposals and statements that are received by the local government in response to a service request or a request for solicitation open for public inspection only after the contract award is announced. - Amends TCA Section 10-7-504. (SB 1742 / HB 2347)
- 687** Alcoholic Beverages - As enacted, allows licensed wineries and farm wine producers to label and advertise wine made from apples as cider, apple cider, or hard cider. - Amends TCA Section 57-3-207. (SB 1784 / HB 1786)
- 688** Business Organizations - As enacted, revises various provisions pertaining to dissolution of certain business entities. - Amends TCA Title 48. (SB 1871 / HB 2337)
- 689** Bail, Bail Bonds - As enacted, changes from January 15 and July 15 to January 31 and July 31 the dates by which every professional bondsman licensed to do business in Tennessee must file with the court clerk a report of the bondsman's assets and liabilities. - Amends TCA Section 40-11-303. (SB 1892 / HB 1917)
- 690** Welfare - As enacted, clarifies and adds to certain reporting and rulemaking functions of the commission on aging and disability. - Amends TCA Section 71-2-104 and Section 71-2-105. (SB 1936 / HB 2004)

- 691** Motor Vehicles - As enacted, applies salvage, nonrepairable, rebuilt, and flood vehicle certificate of title requirements to motorcycles. - Amends TCA Section 55-3-211. (SB 1994 / HB 1450)
- 692** Consumer Protection - As enacted, redefines the time period within which a business must notify a consumer if the consumer's personal information that was held by the business was obtained by an unauthorized person from immediate notification to no later than 45 days; includes employees of the business who use the information in an unlawful manner as unauthorized persons, thus triggering the notice requirements. - Amends TCA Title 47. (SB 2005 / HB 1631)
- 693** Zoning - As enacted, increases number of members who may be elected to serve on boards of zoning appeals in certain counties and municipalities, as determined by local legislative bodies. - Amends TCA Section 13-7-106 and Section 13-7-205. (SB 2006 / HB 2417)
- 694** Public Records - As enacted, specifies the form in which a request to redact or remove a military discharge record from the county register of deeds may be made; makes other related changes. - Amends TCA Section 4-4-125 and Title 10, Chapter 7, Part 5. (SB 2034 / HB 2080)
- 695** Alcoholic Beverages - As enacted, authorizes Pigeon Forge adopt an ordinance to prohibit the construction or operation of any licensed manufacturer within 1,000 feet of the state right-of-way of U.S. Highway 441 within the corporate limits of such city; not applicable to any licensed manufacturer in operation and open to the public before or on the effective date of this act. - Amends TCA Title 57, Chapter 2 and Title 57, Chapter 3. (SB 2086 / HB 2123)
- 696** Pigeon Forge - As enacted, creates seat designations for commissioners; allows voters to vote for one commissioner for each open, designated seat. - Amends TCA Section 6-20-101. (SB 2087 / HB 2124)
- 697** Alcoholic Beverages - As enacted, revises provisions governing the issuance of a retail food store wine license to a retail food store located within a shopping center or other development. - Amends TCA Title 57, Chapter 3. (SB 745 / HB 870)
- 698** Schools, Private - As enacted, authorizes the board or governing entity, or the chief administrative officer, of a private K-12 school or private institution of higher education to implement a handgun carry policy that either allows or prohibits the carrying of a handgun on the grounds or buildings of a private K-12 school or private university by a person who has a handgun carry permit. - Amends TCA Title 39; Title 49, Chapter 7, Part 1 and Title 49, Chapter 50, Part 8. (SB 1559 / HB 1644) {See Appendix "E"}

- 699** Regional Authorities and Special Districts - As enacted, clarifies that the speakers may appoint members of the general assembly from one political party to the West Tennessee river basin authority if there is not a member representing the area from another political party. - Amends TCA Title 64, Chapter 1, Part 11. (SB 1590 / HB 1877)
- 700** Education, Higher - As enacted, provides tuition and fee waivers to full-time state employees for up to four courses per academic year provided the courses do not coincide. - Amends TCA Section 8-50-114. (SB 1625 / HB 1699)
- 701** Nuclear Materials, Transportation and Safety - As enacted, clarifies that deadly force may be used by nuclear security officers at nuclear power reactor facilities and not just category I nuclear facilities. - Amends TCA Section 39-11-611. (SB 1627 / HB 1563)
- 702** Special License Plates - As enacted, expands eligibility for the issuance of an amateur radio license plate without the \$25.00 additional fee to registrants who provide emergency services as part of a squad and whose qualifications are approved by the county emergency management director. - Amends TCA Title 55, Chapter 4, Part 2. (SB 1635 / HB 1759)
- 703** Education - As enacted, makes certain changes to the requirements for voluntary pre-k programs. - Amends TCA Title 49, Chapter 6, Part 1. (SB 1899 / HB 1485)
- 704** Taxes, Excise - As enacted, extends for an additional six years to July 1, 2022, the temporary tax on bottles of soft drinks and barrels of beer to fund programs for the prevention and collection of litter. - Amends TCA Section 57-5-201 and Section 67-4-402. (SB 1938 / HB 1899)
- 705** Taxes - As enacted, adds, in regard to the authorization for duly authorized local governmental officials to review tax returns and information to ascertain whether taxes are being paid, that such officials may also access such information to determine whether allocations from state levied taxes are being distributed to the correct unit of local government; requires that certain information be excluded. - Amends TCA Title 67, Chapter 1, Part 17. (SB 1946 / HB 1860)
- 706** Education, Dept. of - As enacted, requires the department to provide an annual report to the education committee of the senate and the education instruction and programs committee of the house of representatives, regarding the physical education programs and activity for each LEA. - Amends TCA Title 49, Chapter 1; Title 49, Chapter 2 and Title 49, Chapter 6. (SB 1967 / HB 1793)

- 707** Intellectual & Developmental Disabilities - As enacted, reduces from 80 to 75 the age a custodial parent or other custodial caregiver of a person with an intellectual disability who is on the waiting list for services must reach before the individual with intellectual disabilities must be placed on the self-determination waiver or similarly capped medical assistance waiver within six months. - Amends TCA Section 33-5-112. (SB 2003 / HB 2014)
- 708** Fiscal Review Committee - As enacted, increases from 60 days to 90 days from the end of the annual legislative session the time frame for public chapter review of estimated versus actual cost by fiscal review committee staff. - Amends TCA Section 3-2-107(c)(1). (SB 2004 / HB 1721)
- 709** Alcoholic Beverages - As enacted, allows a student, who has completed at least 60 hours of coursework and is taking a required course for a bachelor's degree designed to train industry professionals in the production of fermented or distilled food or beverage products, to taste alcoholic beverages as part of instruction in the required course, under certain circumstances. - Amends TCA Title 49 and Title 57. (SB 2012 / HB 2251)
- 710** Education - As enacted, requires referees or officiates of interscholastic athletic events to submit to a criminal background investigation and provide a fingerprint sample; exempts the referees and officiates from the criminal background investigation and requirement to provide a fingerprint sample if they have undergone a satisfactory background check as a condition of registration for work as an official for interscholastic athletic contests. - Amends TCA Title 49, Chapter 5, Part 4. (SB 2118 / HB 2260)
- 711** Hospitals and Health Care Facilities - As enacted, adds provisions regarding those qualified to be a medical laboratory director or a medical laboratory supervisor. - Amends TCA Title 68, Chapter 29. (SB 2382 / HB 1800)
- 712** Teachers, Principals and School Personnel - As enacted, revises provisions governing the evaluation of teachers and principals. - Amends TCA Title 49. (SB 2508 / HB 1419)
- 713** Parks, Natural Areas Preservation - As enacted, designates a portion of Soak Creek beginning in Bledsoe County and ending in Rhea County as a Class III scenic river. - Amends TCA Title 11, Chapter 13. (SB 2520 / HB 2566)
- 714** Trusts - As enacted, revises what constitutes a private trust company under the Banking Act. - Amends TCA Title 45, Chapter 1 and Title 45, Chapter 2. (SB 2550 / HB 1547)
- 715** Veterans Services, Dept. of - As enacted, prohibits any person working for or representing the department from participating in certain solicitations from the public for veterans' cemeteries;

grants the commissioner rule-making authority for such cemeteries; adds other provisions regarding such cemeteries. - Amends TCA Title 46, Chapter 6. (SB 2562 / HB 1558)

- 716** Courts, Juvenile - As enacted, clarifies and amends various provisions regarding juvenile cases heard by magistrates; extends from five days to 10 days the period within which an appeal of the magistrate's order must be filed. - Amends TCA Section 36-1-102 and Section 37-1-107. (SB 2572 / HB 1889)
- 717** Courts, Juvenile - As enacted, revises the juvenile court procedures regarding service of summons and publication. - Amends TCA Title 37, Chapter 1. (SB 2573 / HB 1890)
- 718** Alcohol Offenses, Motor Vehicles - As enacted, requires arresting agency to send fingerprint cards for DUI and other vehicular impairment offense arrests to TBI within five days of arrest for submission to NCIC and requires the clerks to send DUI convictions to TBI within seven days of conviction. - Amends TCA Title 8 and Title 55. (SB 2577 / HB 2199)
- 719** Professions and Occupations - As enacted, allows licensing authorities for certain state regulatory agencies to consider whether a person's conviction for the commission of a felony bears directly on the person's fitness to practice competently when making determinations regarding the person's licensure status. - Amends TCA Title 57; Title 62; Title 63; Title 68 and Title 69. (SB 2594 / HB 2496)
- 720** Domestic Violence - As enacted, requires that any pending order of protection or restraining order be served on a domestic violence offender before release, following the mandatory 12-hour holding period; directs that a copy of protection order be issued to any court in which the respondent and petitioner are parties to an action. - Amends TCA Title 36, Chapter 3, Part 6; Title 39, Chapter 13, Part 1, and Title 40, Chapter 11, Part 1. (HB 829 / SB 668)
- 721** Courts, Supreme Court of Tennessee - As enacted, allows the supreme court, through order or rule, to set all filing costs, fees, charges, and surcharges for documents filed in and functions performed by the clerks of the appellate courts or board of judicial conduct. - Amends TCA Title 8, Chapter 21. (HB 1791 / SB 2022)
- 722** Public Records - As enacted, revises requirements for protecting personally identifying information in records held by governmental entities; requires the office of open records counsel to develop a model public records policy for governmental entities; makes other related changes to public records laws. - Amends TCA Title 4, Chapter 4; Title 8, Chapter 4; Title 10, Chapter 7; Title 39; Title 47, Chapter 18; Title 49, Chapter 7; Title 50, Chapter 1 and Title 67. (HB 2082 / SB 2033)

- 723** Motor Vehicles - As enacted, removes the limitation that a passenger car or passenger motor vehicle have a manufacturer's gross vehicle weight rating of 8,500 pounds or less in order to be subject to the mandatory seat belt law. - Amends TCA Section 55-9-603. (HB 1555 / SB 2559)
- 724** Managed Care Organizations - As enacted, extends the effectiveness of certain rules governing risk sharing agreements. - Amends the termination date of Chapter 409 of the Public Acts of 2013. (HB 1557 / SB 2561)
- 725** Child Custody and Support - As enacted, prohibits a child's parent or relative from interfering with a noncustodial parent's court-ordered visitation as custodial interference; makes such custodial interference a Class C misdemeanor. - Amends TCA Title 36, Chapter 6 and Section 39-13-306. (HB 1716 / SB 1686)
- 726** Auctions and Auctioneers - As enacted, provides exemption from continuing education requirements for auctioneers who have reached 60 years of age and have been licensed as an auctioneer for 10 years or longer; or have been licensed under present law since July 1, 1999. - Amends TCA Section 62-19-106. (HB 1918 / SB 2226)
- 727** Real Property - As enacted, expands the applicability of the Neighborhood Preservation Act to certain occupied buildings and residential properties by authorizing a person to bring a civil action against the owner of an occupied building or property that is not properly maintained or that fails to comply with certain ordinances or regulations. - Amends TCA Title 13, Chapter 6. (HB 1932 / SB 2300)
- 728** Nuisances - As enacted, imposes same burden of proof in nuisance actions based on changed farming operations as presently applied to nuisance actions based on established farming operations. - Amends TCA Title 29, Chapter 3; Section 39-17-415; Section 43-1-701; Title 43, Chapter 26 and Title 44, Chapter 18. (HB 1941 / SB 2591)
- 729** Tennessee Bureau of Investigation - As enacted, requires the instant check unit of the TBI to contact the agency making an entry of an order of protection into the national crime information center within one day if the subject of the order of protection attempts to purchase a firearm. - Amends TCA Title 36, Chapter 3, Part 6; Title 38, Chapter 6 and Title 39, Chapter 17, Part 13. (HB 1964 / SB 1921)
- 730** Public Contracts - As enacted, requires a vendor that is indicted for or convicted of, or pleads guilty or nolo contendere to, any violation under the Sherman Antitrust Act; any federal or state criminal statute in connection with any contract let or funded, in whole or in part, by this state or any other state or territory of the United States; or any federal or state crime as the result of any investigation into such violations or crimes, to provide notice of such indictment,

conviction, or plea to the chief procurement officer; establishes penalty for violation. - Amends TCA Title 4, Chapter 56 and Title 12. (HB 1992 / SB 1940)

- 731** Fees - As enacted, makes permanent the \$2.00 increases to the filing fees charged by court clerks and data fee entry chargeable by clerks that are scheduled to expire July 1, 2016. - Amends Chapter 1039 of the Public Acts of 2012. (HB 2159 / SB 1948)
- 732** Schools, Home - As enacted, requires schools to provide notice on their web sites of the date of the school's administration of the AP and PSAT/NMSQT examinations, the availability of such examinations, and any financial assistance for low income students; requires that home school students be permitted to take the AP and PSAT/NMSQT examinations at any public school offering such examinations. - Amends TCA Title 49, Chapter 6, Part 30. (HB 2190 / SB 2392)
- 733** Teachers, Principals and School Personnel - As enacted, opens membership of the directors of schools association to include affiliate membership to principals and assistant principals and to system-wide supervisors; requires that membership fees be set in bylaws instead of constitution; revises other related provisions. - Amends TCA Title 49, Chapter 2, Part 21. (HB 2261 / SB 2117)
- 734** Child Custody and Support - As enacted, requires that certain temporary injunctions go into effect against both parties upon filing of a petition related to child custody. - Amends TCA Title 36, Chapter 6, Part 1. (HB 2443 / SB 1819)
- 735** Insurance Companies, Agents, Brokers, Policies - As enacted, revises various provisions regarding accreditation and reinsurance of insurance companies. - Amends TCA Title 56, Chapter 11; Title 56, Chapter 2; Title 56, Chapter 22 and Title 56, Chapter 45. (HB 2568 / SB 2532)
- 736** Handgun Permits - As enacted, makes various changes to handgun carry permits, including extending permit renewals to occur every eight years and lowering the initial application fee from \$115 to \$100. - Amends TCA Section 39-17-1351.(HB 2575 / SB 2566)
- 737** Statutes of Limitations and Repose - As enacted, extends the statute of limitations for civil actions based on injury or illness resulting from child sexual abuse that occurred when the person was a minor but was not discovered until after the person became an adult to three years from the discovery of the abuse. - Amends TCA Title 28, Chapter 3, Part 1. (HB 2593 / SB 2484)

- 738** Bond Issues - As enacted, authorizes Davidson County to issue bonds to fund affordable housing and workforce housing projects. - Amends TCA Title 7; Title 9, Chapter 21 and Title 13, Chapter 23. (HB 1426 / SB 1446)
- 739** Clerks, Court - As enacted, clarifies that clerks of general sessions and circuit courts are required to notify the TBI of final disposition of criminal proceedings as soon as practicable but no later than 30 days after final disposition of the proceedings. - Amends TCA Section 8-21-401; Section 8-4-115; Title 16; Title 18 and Section 39-17-1316. (HB 1509 / SB 1774)
- 740** Animal Cruelty and Abuse - As enacted, substitutes the commissioner of agriculture or a qualified agent of the commissioner for county agriculture extension agents as a person who is authorized to conduct livestock cruelty examinations; clarifies that livestock cruelty examinations conducted by licensed veterinarians are entitled to the same legal presumptions as other qualified examiners. - Amends TCA Section 39-14-211. (HB 1529 / SB 2529)
- 741** Environment and Conservation, Department of - As enacted, clarifies the requirement that the commissioner maintain separate accounts for monies collected and expended by each division of the department in administering the various acts and programs of the division. - Amends TCA Title 68, Chapter 203, Part 1. (HB 1539 / SB 2542)
- 742** Solid Waste Disposal - As enacted, changes eligibility criteria for counties that receive rebates against the solid waste disposal tipping fee surcharge in lieu of a recycling equipment grant from the 11 highest waste generating counties to the five most populous counties. - Amends TCA Title 68, Chapter 211. (HB 1540 / SB 2543)
- 743** Energy - As enacted, transfers the division of energy from the department of economic and community development to the department of environment and conservation; renames the division to be the office of energy programs. - Amends TCA Title 4, Chapter 3; Title 4, Chapter 31; Title 8, Chapter 4; Section 59-13-106 and Section 66-9-204. (HB 1542 / SB 2545)
- 744** Criminal Offenses - As enacted, increases penalty for TennCare fraud from Class E felony to Class D felony; creates specific fines for first and subsequent convictions for TennCare fraud. - Amends TCA Title 71, Chapter 5, Part 26. (HB 1545 / SB 2548)
- 745** Banks and Financial Institutions - As enacted, prohibits the commissioner of financial institutions from using a multi-state licensing system to share FBI criminal history background information of anyone other than mortgage loan originators, unless otherwise authorized by federal law. - Amends TCA Title 45, Chapter 5 and Title 45, Chapter 13. (HB 1546 / SB 2549)



- 746** County Officers - As enacted, permits constables who have law enforcement powers to carry firearms at all times and in all places in Tennessee that other law enforcement officers are permitted to carry firearms; requires the constable to receive, at a minimum, 40 hours initial training, within one year of election, and eight hours annual in-service training in firearms qualification administered by a certified law enforcement firearms instructor. - Amends TCA Title 8, Chapter 10 and Title 39, Chapter 17, Part 13. (HB 1094 / SB 1008)
- 747** Military - As enacted, enacts the "National Guard Force Protection Act of 2016". - Amends TCA Title 4; Title 9 and Title 58. (HB 1438 / SB 1553)
- 748** Driver Licenses - As enacted, deletes requirement that a person's driver license be suspended for an additional like period if convicted of driving on a suspended or revoked license; allows a court to order issuance of a restricted driver license contingent on the person participating in a payment plan for any unpaid fines or costs. - Amends TCA Title 55. (HB 1495 / SB 1581)
- 749** Public Officials - As enacted, authorizes purchase of insurance to protect against breach of fiduciary duty by public officials and employees. - Amends TCA Title 8. (HB 1496 / SB 1996)
- 750** Education, Higher - As enacted, extends the Tennessee Promise scholarship to dependents of Tennessee military parents who are stationed outside of the state. - Amends TCA Section 49-4-708. (HB 1506 / SB 1708)
- 751** Unemployment Compensation - As enacted, revises provisions governing seasonal employment; adds provisions regarding taxable wage base; revises other provisions. - Amends TCA Section 50-7-213; Section 50-7-306; Section 50-7-404 and Section 50-7-715. (HB 1552 / SB 2556)
- 752** Lottery, Scholarships and Programs - As enacted, encourages public school teachers to be Promise scholarship mentors by crediting them with one day of in-service for volunteering as mentors; encourages retired teachers to be Promise scholarship mentors by granting them one year of eligibility for the state employee discount program for volunteering as mentors. - Amends TCA Title 4; Title 11 and Title 49. (HB 1642 / SB 1654)
- 753** University of Tennessee - As enacted, revises provisions governing the powers of the board of trustees of the University of Tennessee system. - Amends TCA Title 49, Chapter 9. (HB 1696 / SB 1762)
- 754** Education - As enacted, requires that the display of the American flag on school property and at school events conform to the requirements of federal law; requires a local board of

education to permit display of the American flag, if the display conforms to the requirements of federal law. - Amends TCA Title 49. (HB 1722 / SB 2518)

- 755** Courts, Supreme Court of Tennessee - As enacted, authorizes the supreme court, upon its own motion, to assume jurisdiction over an application for interlocutory or extraordinary appeal that is filed with an intermediate state appellate court. - Amends TCA Title 16, Chapter 3. (HB 1734 / SB 1781)
- 756** Motor Vehicles - As enacted, requires every law enforcement agency to have a policy describing when law enforcement personnel may disclose to the public information or law enforcement records concerning the use of drugs or alcohol by a driver as a contributing factor in a motor vehicle accident. - Amends TCA Title 55, Chapter 10. (HB 1747 / SB 1729)
- 757** Students - As enacted, enacts the "Student Online Personal Protection Act". - Amends TCA Title 49. (HB 1931 / SB 1900)
- 759** Taxes, Exemption and Credits - As enacted, allows certain part-time and seasonal adventure tourism jobs, with or without minimum health care, created in adventure tourism districts on or after July 1, 2017, to be counted as half a job for purposes of allowing the employer to qualify for the jobs tax credit against franchise and excise taxes. - Amends TCA Title 11, Chapter 11, Part 2 and Title 67. (SB 302 / HB 1194)
- 760** Highways, Roads and Bridges - As enacted, revises provisions governing authority to reduce maximum gross weight of freight motor vehicles over certain county roads. - Amends TCA Title 5; Title 54, Chapter 7 and Title 55. (SB 412 / HB 850)
- 761** Sunset Laws - As enacted, extends the regional transportation authority of Middle Tennessee five years to June 30, 2018; requires the authority to appear before the joint government operations committees no later than December 31, 2016, to report on the Nashville Area Metropolitan Planning Organization regional transportation plan. - Amends TCA Title 4, Chapter 29; Section 29-20-107 and Title 64, Chapter 8. (SB 1530 / HB 1588)
- 762** Sunset Laws - As enacted, extends the Tennessee rehabilitative initiative in correction (TRICOR) board for two years to June 30, 2018; removes the TRICOR board's authority to nominate members for appointment to the board; removes the executive director of TRICOR from the board; adds the commissioner of correction, or the commissioner's designee, as a member of the TRICOR board, who will vote only to break a tie vote of the other board members; removes the authority of the commissioner of correction to reject the board's choice for executive director and to remove an executive director so that the board will be solely vested with the authority to appoint and remove the executive director. - Amends TCA Title

4, Chapter 29; Section 8-30-102; Title 41, Chapter 6, Part 2 and Title 41, Chapter 22. (SB 1546 / HB 1572)

- 763** Medical Occupations - As enacted, revises provisions governing reinstatement of licenses based on expiration of a license under the division of health-related boards. - Amends TCA Title 63. (SB 1574 / HB 2153)
- 764** Agriculture, Dept. of - As enacted, specifies that the department, in its role as the primary food manufacturing inspection agency for Tennessee, is the primary inspection agency for grist mills that are located in Tennessee. - Amends TCA Title 43 and Title 53. (SB 1801 / HB 1835)
- 765** Local Government, General - As enacted, authorizes volunteer firefighters who have successfully completed the Tennessee commission on firefighting personnel and standard education certification exam for Firefighter I and have practiced as a volunteer firefighter for at least one year from the completion of such exam to receive group insurance benefits, subject to the approval of county governing bodies. - Amends TCA Title 8, Chapter 27 and Title 50, Chapter 6. (SB 1824 / HB 2427)
- 766** Medical Occupations - As enacted, permits the employment of certain medical professionals by charitable clinics. - Amends TCA Title 63, Chapter 11; Title 63, Chapter 5; Title 63, Chapter 6; Title 63, Chapter 8 and Title 63, Chapter 9. (SB 2027 / HB 2006)
- 767** Sexual Offenders - As enacted, prohibits a person who is registered, or required to register, as a violent sexual offender or offender against children pursuant to the Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification and Tracking Act to knowingly establish a primary or secondary residence or any other living accommodation in any public institution of higher education's on-campus student residence facilities, including dormitories and apartments. - Amends TCA Title 39; Title 40, Chapter 39, Part 2 and Title 49, Chapter 7, Part 1. (SB 2043 / HB 1429)
- 768** Election Laws - As enacted, allows Rutherford County to participate in a pilot project for establishing convenient voting centers for use on election day upon super majority vote of the county election commission. - Amends TCA Title 2, Chapter 3. (SB 2101/ HB 2125)
- 769** Nurses, Nursing - As enacted, authorizes advanced practice registered nurses who provide services in a free clinic or engage in the voluntary provision of healthcare services and physician assistants who provide services in a free or reduced fee clinic under the Volunteer Healthcare Services Act to arrange for required chart reviews by a supervising physician in the physician's office or remotely via HIPAA-compliant electronic means instead of at the

clinic site. - Amends TCA Title 63, Chapter 19; Title 63, Chapter 6 and Title 63, Chapter 7. (SB 2122 / HB 2422)

- 770** Education, Dept. of - As enacted, requires the state board of education and the department to support and encourage LEAs in the creation of communities of schools; authorizes LEAs and schools to form community consortiums with a variety of community partners to establish communities of schools; enacts other provisions relative to community schools. - Amends TCA Title 49, Chapter 6, Part 24. (SB 2172 / HB 2236)
- 771** Environment and Conservation, Department of - As enacted, broadens the scope of the Used Oil Collection Act of 1993 to address the proper disposal of used antifreeze, transmission fluid, and power steering fluid. - Amends TCA Section 55-4-133 and Title 68, Chapter 211, Part 10. (SB 2544 / HB 1541)
- 772** Sunset Laws - As enacted, extends the board of dietitian/nutritionist examiners six years to June 30, 2022. - Amends TCA Title 4, Chapter 29, Part 2; Title 63, Chapter 25, Part 1 and Section 68-1-101. (SB 1502 / HB 1616)
- 773** Sunset Laws - As enacted, extends the board of pharmacy two years to June 30, 2018; requires the board to appear before the government operations joint evaluation committee on education, health and general welfare no later than November 18, 2016, to provide an update on the board's progress in addressing the findings set forth in the October 2015 performance audit report issued by the division of state audit. - Amends TCA Title 4, Chapter 29 and Title 63, Chapter 10, Part 3. (SB 1507 / HB 1611)
- 774** Sunset Laws - As enacted, extends the department of human resources three years to June 30, 2019; requires the department to report back to the committee concerning the findings in its 2015 performance audit report. - Amends TCA Title 4, Chapter 29 and Title 4, Chapter 3. (SB 1517 / HB 1601)
- 775** Sunset Laws - As enacted, extends the state soil conservation committee six years to June 30, 2022; establishes minimum attendance requirement for committee members and requires removal of members who do not meet the requirement. - Amends TCA Title 4, Chapter 29; Title 43, Chapter 14, Part 2; Title 43, Chapter 34 and Title 69, Chapter 6. (SB 1540 / HB 1578)
- 776** Sunset Laws - As enacted, extends the Tennessee motor vehicle commission four years to June 30, 2020; establishes minimum attendance requirement for commission members and requires removal of members who do not meet the requirement. - Amends TCA Title 4, Chapter 29; Section 4-3-1304; Section 47-18-120; Title 55, Chapter 17; Section 55-4-221 and Section 62-19-128. (SB 1545 / HB 1573)

- 777** Taxes, Ad Valorem - As enacted, revises provisions governing industrial development corporations and payments in lieu of taxes made by the corporation's lessees. - Amends TCA Title 7; Title 9 and Title 13. (SB 1728 / HB 1692)
- 778** Military - As enacted, creates civil immunity for certain members of the national guard who use force against another, including by discharging a personally owned firearm, in certain situations. - Amends TCA Title 58, Chapter 1. (SB 1760 / HB 1929)
- 779** Driver Licenses - As enacted, requires the department of safety to report to the transportation committees of both houses by February 1, 2017, the number of commercial driver license holders who previously held military commercial driver licenses, and whether they experienced any barriers in applying for such state license. - Amends TCA Title 55, Chapter 50. (SB 1763 / HB 1778)
- 780** Utilities, Utility Districts - As enacted, authorizes natural gas utility districts in Hawkins County to provide funding to chambers of commerce and economic and community organizations pursuant to a resolution adopted by the governing body. - Amends TCA Title 7, Chapter 82. (SB 1924 / HB 2264)
- 781** Recreational Vehicles - As enacted, establishes licensing requirements specifically for recreational vehicle dealers and salespersons to be overseen by the Tennessee motor vehicle commission. - Amends TCA Title 55. (SB 1980 / HB 2471)
- 782** Correction, Dept. of - As enacted, requires the department of correction to pay, within 120 days of the bill being submitted, any bill of costs or other fees owed to a county by the department as the result of a criminal conviction in that county. - Amends TCA Title 40, Chapter 25, Part 1. (SB 1999 / HB 1653)
- 783** Local Education Agencies - As enacted, makes various revisions to an LEA's policies on harassment, intimidation, bullying, or cyber-bullying; requires that an investigation be initiated within 48 hours and that an appropriate intervention be initiated within 20 calendar days of receipt of the report. - Amends TCA Title 49, Chapter 6, Part 45. (SB 2002 / HB 1976)
- 784** Forfeiture of Assets - As enacted, prohibits a general sessions judge from authorizing a magistrate or judicial officer who is not licensed in this state to issue forfeiture warrants. - Amends TCA Title 40, Chapter 33, Part 2. (SB 2029 / HB 1772)

- 785** Hospitals and Health Care Facilities - As enacted, extends current moratorium on certificates of need for new nursing home beds until June 30, 2021. - Amends TCA Title 68, Chapter 11. (SB 2075 / HB 1874)
- 786** Alcoholic Beverages - As enacted, authorizes the City of Gatlinburg to adopt an ordinance imposing a minimum distance, not to exceed 1,000 feet, between distilleries manufacturing distilled spirits; the ordinance will not apply to or affect any licensed distillery in operation and open to the public prior to the effective date of this act; specifies that a distillery exempt from an ordinance adopted pursuant to this act will remain so exempt upon the transfer of any ownership interest in the distillery to a successor in interest. - Amends TCA Section 57-2-103 and Section 57-3-202. (SB 2089 / HB 1996)
- 787** Alcoholic Beverages - As enacted, allows applicants for retail food store wine license to seek certificate of compliance from local government and receive approval letter from commission prior to July 1, 2016; allows wholesalers to solicit orders from retail food stores and deliver wine prior to July 1, 2016; clarifies when retail package store may deliver to customers; limits retail package store licenses to two per owner. - Amends TCA Section 57-3-406 and Section 57-3-803. (SB 2094 / HB 2586)
- 788** Criminal Offenses - As enacted, creates the offense of using an unmanned aircraft to fly within 250 feet of a critical infrastructure facility for the purpose of conducting surveillance of, gathering evidence or collecting information about, or photographically or electronically recording, critical infrastructure data. - Amends TCA Title 39 and Title 40. (SB 2106 / HB 1811)
- 789** Professions and Occupations - As enacted, requires each location used by a scrap metal dealer who is required to register and comply with record maintenance and retention to pay a \$500 biennial fee for registration or renewal of a scrap metal dealer location to the department of revenue. - Amends TCA Section 55-3-202 and Title 62, Chapter 9. (SB 2134 / HB 2339)
- 790** Motor Vehicles, Titling and Registration - As enacted, authorizes certain off-highway vehicles that have top speeds over 35 mph and nonstraddle seating for up to four passengers, to be operated on county roads; authorizes issuance of off-highway license plates for each category; establishes equipment and safety requirements for the vehicles. - Amends TCA Title 55. (SB 2255 / HB 2288)
- 791** Alcoholic Beverages - As enacted, allows Blackberry Farms to hold a manufacturer's license or nonmanufacturer nonresident seller permit, or both, in addition to holding a license for consumption of alcoholic beverages on premises. - Amends TCA Section 57-4-102. (SB 2396 / HB 2304)

- 792** Sewage - As enacted, authorizes the use of green infrastructure practices within areas that have combined sanitary sewage and storm water systems. - Amends TCA Title 7; Title 68, Chapter 221 and Title 69, Chapter 3. (SB 2417 / HB 1850)
- 793** Disabled Persons - As enacted, authorizes use of individual education account funds for contributions to an achieving a better life experience (ABLE) account for the benefit of a participating student; specifies that funds may only be used for the student's education expenses; requires that all revenues collected by the ABLE program remain with the program; revises other provisions regarding the program. - Amends TCA Title 49, Chapter 10, Part 14 and Title 71, Chapter 4, Part 8. (SB 2504 / HB 2592)
- 794** Correctional Programs - As enacted, allows an inmate to receive sentence reduction credits for obtaining any high school equivalency credential, instead of only a GED. - Amends TCA Section 41-21-236. (SB 2536 / HB 1534)
- 795** Consumer Protection - As enacted, requires an application for approval of a transfer of structured settlement payment rights to be made by the transferee and permits the application to be brought in the county in which the payee resides or where the settlement was approved or judgment rendered in the underlying tort claim, or in the court or before the authority that approved the structured settlement agreement; revises other provisions regarding structured settlements. - Amends TCA Title 47, Chapter 18, Part 26. (SB 760 / HB 586)
- 796** Taxes, Hotel Motel - As enacted, authorizes local collecting officials of hotel taxes to publish the names of delinquent taxpayers and the amounts owed in certain circumstances; clarifies that the present law that makes state tax records confidential does not apply to local hotel tax records. - Amends TCA Title 7; Title 10, Chapter 7, Part 5 and Title 67. (SB 1450 / HB 1465)
- 797** State Government - As enacted, revises various provisions governing reporting functions of public entities and officials. - Amends TCA Title 3; Title 4; Title 8; Title 9; Title 12; Title 16; Title 17; Title 23; Title 29; Title 33; Title 37; Title 49; Title 50; Title 54; Title 55; Title 56; Title 64; Title 65; Title 67; Title 68 and Title 71. (SB 1471 / HB 1702)
- 798** Human Services, Dept. of - As enacted, requires the department to perform certain duties, such as develop subrecipient monitoring plans utilizing analytic procedures; conduct unannounced and announced site visits of subrecipients; and conduct criminal history background checks on each applicant of the subrecipient or sponsoring organization during the application process and at any time during participation in a food program. - Amends TCA Title 4; Title 8; Title 9 and Title 39, Chapter 16. (SB 1472 / HB 1940)
- 799** Autopsies - As enacted, permits a county medical examiner and certain district attorneys general to request the district attorney general in the district where the body is buried or

interred to file a petition in circuit or criminal court for the disinterment of the deceased for the purpose of performing an autopsy, collecting scientific or forensic evidence, or obtaining DNA evidence. - Amends TCA Title 38. (SB 1585 / HB 1560)

- 800** Aircraft and Airports - As enacted, under certain circumstances, authorizes an airport authority to sell an aircraft abandoned on the airport authority's property; establishes procedures for conducting the sale, notifying interested parties, and enforcing a lien for unpaid storage fees. - Amends TCA Title 42; Title 47 and Title 66, Chapter 29. (SB 1659 / HB 1434)
- 801** Law Enforcement - As enacted, authorizes law enforcement officers to administer epinephrine in emergency situations in certain circumstances; authorizes physicians to prescribe epinephrine to a law enforcement agency for use by officers in emergency situations; adds immunity from civil liability for pharmacists based on any injury to an individual who is harmed by the administration of the epinephrine dispensed by the pharmacist and prescribed by a physician pursuant to this bill, unless the pharmacist acts with reckless disregard for safety. - Amends TCA Title 38; Title 63 and Title 68. (SB 1767 / HB 2445)
- 802** Education - As enacted, requires every elementary and secondary school to post the toll-free telephone number operated by the department of children's services to receive reports of child abuse or neglect in a clearly visible location in a public area that is readily accessible to students. - Amends TCA Title 49. (SB 1862 / HB 1780)
- 803** Workers Compensation - As enacted, revises various provisions governing workers' compensation in regard to the case management system and settlements. - Amends TCA Title 50 and Title 56. (SB 1880 / HB 2038)
- 804** Estates - As enacted, increases the maximum amount of a life insurance policy from \$7,500 to \$15,000 in order that a photocopy of a certificate of death, along with certain statements, may constitute proof of death; authorizes certain financial institutions and associations to pay out all accounts of certain deceased, and checks payable to certain decedents or their estates, to certain creditors, relatives, and representatives as long as the sums do not exceed \$10,000 in the aggregate. - Amends TCA Title 45 and Title 56. (SB 1972 / HB 1894)
- 805** Safety - As enacted, authorizes certain entities to stock epinephrine auto-injectors on their premises; authorizes employees, agents, and laypersons to provide or administer an epinephrine auto-injector under certain circumstances; requires the secretary of state to provide any rule promulgated to implement this act to the chairs of the health committee of the house and the health and welfare committee of the senate after approval by the attorney general at the same time that the rule is to be made available to the government operations committees. - Amends TCA Title 38 and Title 68, Chapter 140. (SB 1989 / HB 2054)



- 806** Firearms and Ammunition - As enacted, prohibits public postsecondary institutions from taking any adverse action against an employee or student solely for such person's lawful transportation and storage of a firearm or ammunition in the person's parked motor vehicle. - Amends TCA Title 39, Chapter 17, Part 13 and Title 49, Chapter 7, Part 1. (SB 1991 / HB 2131)
- 807** Education - As enacted, requires the principal of a school to allow a patriotic society the opportunity to speak with students during school hours. - Amends TCA Title 49, Chapter 6, Part 3. (SB 2098 / HB 2147)
- 808** Emergency Communications Districts - As enacted, enacts "Kari's Law," which requires an entity that owns or controls a telephone system that is capable of outbound dialing or access to configure the telephone system to allow a person initiating a 911 call on the telephone system direct access to 911 service without an additional code, digit, prefix, postfix, or trunk access code; and an entity that owns or operates a residential or business facility utilizing a telephone system so configured to configure the telephone system to provide notification to a central location on the site of the residential or business facility when a person within the facility dials 911. - Amends TCA Title 7; Title 9; Title 65 and Title 68. (SB 2137 / HB 2174)
- 809** Estates - As enacted, requires that waivers that excuse a personal representative from filing court accountings be sworn by the distributees of the residue file; authorizes a person named executor in a decedent's last will and testament to decline to serve as such personal representative by filing a sworn statement or statement under penalty of perjury with the court; changes references from "executor or administrator" to "personal representative" in the provision authorizing an executor or administrator to resign or relinquish trust. - Amends TCA Title 30 and Title 35. (SB 2254 / HB 2172)
- 810** Therapists, Physical and Occupational - As enacted, enacts the "Physical Therapy Licensure Compact". - Amends TCA Title 4, Chapter 29 and Title 63, Chapter 13. (SB 2368 / HB 2433)
- 811** Professions and Occupations - As enacted, removes authority of the council for licensing hearing instrument specialists to waive written examination requirements for certain applicants; specifies that the national board for certification of hearing instrument sciences is no longer the accepted examination for licensure. - Amends TCA Title 63, Chapter 17, Part 2. (SB 2391 / HB 2318)
- 812** Education, Higher - As enacted, revises provisions regarding reporting of nonimmigrant students by higher education institutions; authorizes the commissioner of safety to issue a subpoena for valid law enforcement purposes to an institution of higher education in this state to compel the production of certain information with regard to nonimmigrant students possessing either an F-1 or M-1 student visa for instruction at the institution. - Amends TCA Title 4; Title 38 and Title 49. (SB 2394 / HB 2429)

- 813** State Employees - As enacted, prohibits a state employer from inquiring about an applicant's criminal history on an initial application form for employment under certain circumstances; excludes certain state employers from this prohibition. - Amends TCA Title 8, Chapter 50, Part 1. (SB 2440 / HB 2442)
- 814** Child Custody and Support - As enacted, clarifies that a parent who spends intervals of time with a child and who wishes to relocate is required to provide notice to the other parent after custody or co-parenting has been established by the entry of a permanent parenting plan or final court order. - Amends TCA Title 36, Chapter 6, Part 1. (SB 2483 / HB 2502)
- 815** Safety - As enacted, changes certain requirements for inspectors, redirects certain reports, imposes a \$300 fine for certain violations, and revises other provisions concerning elevators, dumbwaiters, escalators, aerial tramways, amusement devices, and boilers. - Amends TCA Title 68, Chapter 121 and Section 68-122-106. (SB 2557 / HB 1553)
- 816** Workers Compensation - As enacted, revises various provisions governing payments for permanent partial disabilities; revises other provisions of the workers' compensation law. - Amends TCA Title 50, Chapter 6. (SB 2563 / HB 1559)
- 817** Purchasing and Procurement - As enacted, enacts the "Iran Divestment Act". - Amends TCA Title 4, Chapter 56; Title 12; Title 41, Chapter 22 and Title 49, Chapter 3. (SB 377 / HB 261)
- 818** Solid Waste Disposal - As enacted, authorizes Davidson County to impose and collect a solid waste collection, processing, and disposal fee; adds solid waste "processing" as an authorized expenditure for the surcharge on each ton of municipal solid waste received at a solid waste disposal facility or incinerator. - Amends TCA Title 68, Chapter 211. (SB 1049 / HB 857)
- 819** Veterinarians - As enacted, revises various provisions of the Tennessee Veterinary Practice Act, such as specifying that the "practice of veterinary medicine" occurs wherever the patient is at the time services are rendered and authorizing the board of veterinary medical examiners to deny, suspend or revoke any license or to otherwise discipline an applicant or licensee who is found guilty by the board of practicing veterinary medicine without establishing and maintaining a valid veterinarian-client-patient relationship. - Amends TCA Title 63, Chapter 12. (SB 1429 / HB 1406)
- 820** Education, Higher - As enacted, grants in-state tuition and fees at public higher education institutions to certain dependent children of military parents regardless of place of residency if the military parent perished as the result of a targeted attack that occurred in Tennessee. - Amends TCA Title 49, Chapter 4; Title 49, Chapter 7; Title 49, Chapter 8 and Title 49, Chapter 9. (SB 1431 / HB 1407)

- 821** Lottery, Charitable - As enacted, removes permanent disqualification for organizations failing to return requisite percentage of gross proceeds to charitable purposes or programs in two consecutive annual event periods and replaces with a five-year disqualification; prohibits disbursement of prizes to ineligible participants and authorizes alternate selection of winners for such prizes within 30 days of the annual event; revises other provisions of the Tennessee Charitable Gaming Implementation Law. - Amends TCA Title 3, Chapter 17. (SB 1565 / HB 1667)
- 822** Real Property - As enacted, prohibits a local governmental unit from enacting zoning regulations that require the allocation of a percentage of existing or newly constructed private residential or commercial rental units for long-term retention as affordable or workforce housing. - Amends TCA Title 66, Chapter 35. (SB 1636 / HB 1632) **{See Appendix "D"}**
- 823** Traffic Safety - As enacted, establishes requirements for the operation of electric bicycles. - Amends TCA Section 54-10-111; Section 54-5-142; Section 54-5-211 and Title 55. (SB 1705 / HB 1711)
- 824** Auditing - As enacted, establishes the position of executive internal auditor and gives the position various responsibilities related to internal audits of executive branch agencies. - Amends TCA Title 4; Title 8 and Title 9. (SB 1741 / HB 1972)
- 825** Special License Plates - As enacted, authorizes issuance of Combat Action new specialty earmarked license plates. - Amends TCA Title 55, Chapter 4. (SB 1752 / HB 1799)
- 826** Workers Compensation - As enacted, authorizes the bureau of workers' compensation of the department of labor and workforce development to investigate complaints alleging certain disclosure and payment requirements related to rental and assignment of PPO network rights; authorizes certain penalties. - Amends TCA Title 50, Chapter 6. (SB 1758 / HB 1720)
- 827** Election Laws - As enacted, makes various revisions to election laws such as when a deficient voter registration may be corrected, the timing of delivery of poll books and records to the counting board, and prohibiting the appointment of a candidate's spouse on the ballot to serve as a poll watcher. - Amends TCA Section 2-14-202; Section 2-2-109; Section 2-3-204; Section 2-6-303; Section 2-7-104 and Section 2-9-105. (SB 1945 / HB 1939)
- 828** Employees, Employers - As enacted, makes various changes to the Tennessee Lawful Employment Act, including requiring, beginning January 1, 2017, a private employer with 50

or more employees to enroll in the E-verify program. - Amends TCA Title 36, Chapter 5, Part 11 and Title 50, Chapter 1, Part 7. (SB 1965 / HB 1830)

- 829** Controlled Substances - As enacted, specifies that, on and after July 1, 2016, a new applicant may only qualify as a pain management specialist through board certification by the American board of interventional pain physicians (ABIPP) by passing parts 1 and 2 of its examination, and holding an unencumbered Tennessee license, and maintaining the minimum number of CME hours in pain management to satisfy retention of ABIPP diplomate status. - Amends TCA Title 63, Chapter 1, Part 3. (SB 2057 / HB 1982)
- 830** Alcoholic Beverages - As enacted, removes the requirement that in order for a retail food store to obtain a license to sell alcoholic beverages for consumption on premises that the premises and business for on-premises consumption be separate and distinct from the retail food store; authorizes the alcoholic beverage commission to issue a limited license to a retail food store authorizing a restaurant within a retail food store to serve wine but no other alcoholic beverages within a designated area within the retail food store. - Amends TCA Title 57, Chapter 3, Part 8 and Title 57, Chapter 4. (SB 2113 / HB 2301)
- 831** Education - As enacted, encourages public high school students to participate voluntarily in at least 10 hours of community service each semester; requires the student's public high school to recognize the student's achievement at graduation in a suitable manner in certain circumstances. - Amends TCA Title 49. (SB 2165 / HB 2490)
- 832** Local Government, General - As enacted, expands the authority of the local governments to make interfund loans to include all funds derived from the sale of a Tennessee private act hospital; limits capital outlay notes from the sale of a Tennessee private act hospital not to exceed a period of 20 fiscal years. - Amends TCA Title 9, Chapter 21. (SB 2380 / HB 1801)
- 833** Courts, Juvenile - As enacted, establishes confidentiality and accessibility of assessment reports compiled by the juvenile court in Davidson County. - Amends TCA Title 37. (SB 2419 / HB 2298)
- 834** Traffic Safety - As enacted, enacts the "Elena Zamora Memorial Act," which changes the criminal penalties for failure to yield when that violation results in an accident resulting in serious bodily injury to or death of any person. - Amends TCA Title 55, Chapter 8. (SB 2425 / HB 2300)
- 835** Education, Higher - As enacted, encourages all public institutions of higher education to offer instruction aimed at increasing the awareness and prevention of hate crime offenses, sexual battery, sexual harassment, and date rape to all entering freshmen during orientation or introductory studies; requires each public institution of higher education to require all entering

freshmen, during orientation or introductory studies, to receive instruction aimed at increasing the awareness and prevention of sexual assault, sexual battery, sexual harassment, and date rape. - Amends TCA Title 49, Chapter 7; Title 49, Chapter 8 and Title 49, Chapter 9. (SB 2447 / HB 2409)

- 836** Water Pollution - As enacted, expands the notice requirement when lead is present in the drinking water supply. - Amends TCA Title 4; Title 7; Title 12; Title 45; Title 47; Title 50; Title 56; Title 62; Title 65; Title 66; Title 67 and Title 68. (SB 2450 / HB 2212)
- 837** State Employees - As enacted, revises provisions governing the appeal procedure for public employees. - Amends TCA Title 8, Chapter 30 and Title 49. (SB 2485 / HB 2269)
- 838** Professions and Occupations - As enacted, revises various provisions regarding cemetery owners and companies, architects, insurers, shops licensed by the board of cosmetology and barber examiners, funeral directors, real estate firms, real estate brokers, affiliate brokers, time-share salespersons, and acquisition agents. - Amends TCA Section 46-2-101; Section 56-1-213 and Title 62. (SB 2534 / HB 2569)
- 839** Day Care - As enacted, makes various changes to the disclosures, background checks, and training required for child care agencies, including requiring volunteers to disclose any criminal history and be subject to criminal history records checks. - Amends TCA Section 71-3-502 and Section 71-3-507. (SB 2554 / HB 1550)
- 840** Motor Vehicles - As enacted, allows stickers for disabled drivers' license plates to be affixed on any license plate, instead of only on new specialty earmarked plates. - Amends TCA Title 4; Title 5; Title 6; Title 7; Title 8; Title 54; Title 55 and Title 67. (HB 207 / SB 129)
- 841** Education, Higher - As enacted, requires public institutions of higher education to accept from a student proof of the student's prior or current military service as proof of any immunization required of the student for enrollment at the institution. - Amends TCA Section 49-7-124. (HB 458 / SB 513)
- 842** Traffic Safety - As enacted, enacts the "Slow Poke Law," which prohibits the operation of vehicles in the left lane of interstates and multilane divided highways, except for passing and other purposes. - Amends TCA Title 55, Chapter 8. (HB 1416 / SB 1608)
- 843** Wills - As enacted, revises provisions governing witness signatures on certain wills. - Amends TCA Title 32. (HB 1472 / SB 1560)

- 844** Education - As enacted, enacts the "Tennessee Student Assessment Transparency Act". - Amends TCA Title 49, Chapter 6, Part 60. (HB 1537 / SB 2540)
- 845** Tourist Development, Dept. of - As enacted, transfers primary administrative responsibilities for the Tennessee Adventure Tourism and Development Act of 2011 from the department of economic and community development to the department of tourist development. - Amends TCA Title 11, Chapter 11. (HB 1556 / SB 2560)
- 846** Sunset Laws - As enacted, extends the department of finance and administration one year to June 30, 2020; requires the division of benefits administration to appear before the government operations joint evaluation committee on judiciary and government no later than December 1, 2016, to present the clinical outcome measures report conducted by Aon Hewitt; corrects reference to division of strategic technology solutions. - Amends TCA Title 4, Chapter 29 and Title 4, Chapter 3. (HB 1602 / SB 1516)
- 847** Tobacco, Tobacco Products - As enacted, authorizes Davidson County and municipalities located in Sullivan County to prohibit, by local ordinance, smoking on the grounds of a swimming pool or outdoor amphitheater owned or operated by the local government. - Amends TCA Title 39, Chapter 17. (HB 1657 / SB 2350)
- 848** Public Employees - As enacted, requires that attorneys' fees be awarded for state and local government employees when such employees are sued in an individual capacity and are the prevailing party. - Amends TCA Title 29, Chapter 20. (HB 1679 / SB 2377)
- 849** Bonds and Undertakings, Regulation of - As enacted, requires that bonds issued by the state funding board be sold in such manner and at such times as may be approved by the board rather than requiring those bonds to be sold at public sale or, at the discretion of the board and until June 30, 2016, at private sale; deletes provisions requiring the board to report periodically to the finance committees of the general assembly as to the terms and method of sale of bonds sold until June 30, 2016. - Amends TCA Section 9-9-205. (HB 1686 / SB 1643)
- 850** County Clerks - As enacted, reduces the fee paid to county clerks for filing a business tax return from \$7.00 to \$5.00 by eliminating the \$2.00 that is earmarked for clerks' computer expenses. - Amends TCA Title 3; Title 4; Title 5; Title 6; Title 7; Title 8; Title 9; Title 12; Title 49; Title 67 and Title 71. (HB 1764 / SB 1748)
- 851** Garnishments and Executions - As enacted, revises provisions governing the garnishment of earnings; changes references from garnishment of "salaries, wages or other compensation" to garnishment of "earnings". - Amends TCA Title 26, Chapter 2 and Title 29, Chapter 7. (HB 1775 / SB 1969)

- 852** Highway Signs - As enacted, extends, from 180 days to 12 months, the time in which a person granted a permit authorizing a digital billboard has to erect and begin displaying an advertising message before revocation of the permit; allows an extension period of an additional 12 months if the permit holder applies to the commissioner of transportation and pays an additional permit fee of \$200 prior to the expiration of the original 12-month period. - Amends TCA Title 54, Chapter 21. (HB 1789 / SB 1828)
- 853** Taxes, Real Property - As enacted, authorizes a county mayor to sell land held by the county due to delinquent taxes during the redemption period under certain conditions; reduces the amount of time a tax must be due on abandoned property before the tax lien can be enforced from two years to one year; makes other related changes. - Amends TCA Title 13, Chapter 30 and Title 67, Chapter 5. (HB 1826 / SB 2604)
- 854** TennCare - As enacted, enacts the "Annual Coverage Assessment of 2016" and continues the hospital payment rate corridors applicable to payments by managed care organizations to hospitals for services provided to TennCare enrollees established by 2015 annual coverage assessment. - Amends TCA Title 71, Chapter 5 and Chapter 276 of the Public Acts of 2015. (HB 1872 / SB 1836)
- 855** Health, Dept. of - As enacted, enacts the "Emergency Medical Services Personnel Licensure Compact." - Amends TCA Title 4, Chapter 29 and Title 68, Chapter 140. (HB 1888 / SB 2234)
- 856** Veterans - As enacted, allows employees authorized by the Tennessee state veterans' homes board to solicit donations for the improvement of existing homes or for future construction of new homes. - Amends TCA Section 58-7-103. (HB 1897 / SB 2597)
- 857** Wine & Wineries - As enacted, permits the issuance of self-distribution permits to farm wine permit holders, subject to certain conditions. - Amends TCA Section 57-3-207. (HB 1989 / SB 1799)
- 858** Commerce and Insurance, Dept. of - As enacted, repeals registration requirement for certain health clubs; specifies that such clubs post a surety bond in the amount of \$25,000 for each location conducting business in this state or certify their net worth of at least \$10 million; removes the provision whereby a health club agreement is unenforceable against the buyer if the health club fails to obtain or fails to maintain a certificate of registration. - Amends TCA Title 47, Chapter 18 and Title 57, Chapter 4. (HB 2037 / SB 2384)
- 859** Administrative Procedure (UAPA) - As enacted, revises provisions governing construction of the Act and hearings regarding rules; requires an agency to demonstrate by convincing

evidence, certain factors that justify continued existence of an agency rule. - Amends TCA Title 4, Chapter 5. (HB 2068 / SB 2389)

- 860** Criminal Offenses - As enacted, creates a Class A misdemeanor offense for any person who leases a motor vehicle on or after July 1, 2016, to knowingly install, conceal, or otherwise place an electronic tracking device in or on the motor vehicle without the consent of the purchaser of the vehicle. - Amends TCA Title 39, Chapter 13, Part 6 and Title 55. (HB 2095 / SB 2608)
- 861** Forfeiture of Assets - As enacted, requires the department of safety to report annually to the speakers of the senate and the house and the chairs of the judiciary committee of the senate, civil justice committee of the house, and criminal justice committee of the house, a report detailing certain information regarding forfeitures from the prior year. - Amends TCA Title 38 and Title 40. (HB 2176 / SB 2144)
- 862** Professions and Occupations - As enacted, enacts the "Pawnbroker Restitution Act"; clarifies that a pawnbroker is not required to relinquish an item to a claimant without a court order; revises other pawnbroker provisions. - Amends TCA Title 45, Chapter 6. (HB 2256 / SB 2337)
- 863** Human Rights - As enacted, eliminates requirement that a party remove a case to state court within 90 days after the complaint is filed if the Tennessee human rights commission determines there is reasonable cause to believe discrimination took place in regard to housing. - Amends TCA Title 4, Chapter 21. (HB 2335 / SB 1884)
- 864** Firearms and Ammunition - As enacted, prohibits law enforcement officers of this state and its political subdivisions from enforcing provisions of international law and treaties that limit gun rights under Article I, Section 26 of the state constitution. - Amends TCA Title 38 and Title 39, Chapter 17, Part 13. (HB 2389 / SB 2395)
- 865** Orders of Protection - As enacted, removes the exclusion of petitioners who are victims of sexual assault or stalking from the provisions whereby an order of protection may direct the respondent to vacate home shared with the petitioner or to provide suitable housing alternative for the petitioner. - Amends TCA Title 36, Chapter 3, Part 6. (HB 2391 / SB 2343)
- 866** Liens - As enacted, revises provisions governing liens under the Tennessee Condominium Act of 2008. - Amends TCA Title 66, Chapter 27. (HB 2401 / SB 2397)
- 867** Motor Vehicles - As enacted, prohibits certain persons engaged in the business of towing or storing motor vehicles from charging a storage fee for any day on which the vehicle is not



available for release to the owner, lienholder, or insurer, unless such failure to release is based on a hold placed on the vehicle by law enforcement; requires such businesses to release the vehicle to the insurer or lienholder, or an authorized agent or representative, upon the insurer's or lienholder's payment of reasonable charges due, without requiring additional consent from the owner of the vehicle. - Amends TCA Title 47; Title 55, Chapter 23 and Title 66. (HB 2402 /SB 2334)

- 868** Education, Higher - As enacted, revises various provisions of the Postsecondary Education Authorization Act of 1974 and renames the Act to be the "Tennessee Higher Education Authorization Act of 2016"; provides for optional expedited authorization. - Amends TCA Title 49. (HB 2573 / SB 2564)
- 869** Education, Higher - As enacted, restructures the board of regents; establishes state university boards of trustees; makes other changes necessary to effectuate the restructuring; revises the composition of the Tennessee higher education commission - Amends TCA Section 12-3-102; Title 49, Chapter 7; Title 49, Chapter 8 and Title 49, Chapter 9. (HB 2578 / SB 2569) {See Appendix "F"}
- 870** Probation and Parole - As enacted, specifies that when declining, revoking, or rescinding parole, the board of probation and parole may set the period of time before the prisoner receives another hearing on the same offense or offenses; no period set by the board may exceed 10 years. - Amends TCA Title 40, Chapter 28, Part 1 and Title 40, Chapter 35, Part 5. (HB 464 / SB 407)
- 871** Health Care - As enacted, creates a special joint committee to study issues relative to lupus. - Amends TCA Title 4; Title 33; Title 56; Title 63 and Title 68. (HB 1164 / SB 1143)
- 872** Criminal Offenses - As enacted, creates the offense of unlawful exposure, which is committed when a person distributes a private image of the intimate parts of another with the intent to cause emotional distress and the depicted person suffers emotional distress. - Amends TCA Title 39. (HB 1244 / SB 1376)
- 873** Controlled Substances - As enacted, specifies that marijuana concentrates and oils are included in the definition of marijuana. - Amends TCA Title 39, Chapter 17, Part 4. (HB 1252 / SB 1189)
- 874** Alcoholic Beverages - As enacted, expands the definition of "theater" for purposes of the sale of alcoholic beverages for on-premises consumption to include certain movie theaters that have a beer permit and serve prepared food to patrons; removes requirement that wine and beer only be sold at a theater in an area accessible only to persons 21 years of age or older. - Amends TCA Title 57, Chapter 4. (HB 1276 / SB 913)

- 875** Handgun Permits - As enacted, reduces the fee for lifetime handgun carry permit, effective January 1, 2017, from \$500 to be an amount equal to the regular carry permit fee plus \$200, which under present law will equal \$300 for the lifetime permit. - Amends TCA Section 39-17-1351. (HB 1424 / SB 1477)
- 876** Sentencing - As enacted, punishes sixth offense DUI as a Class C felony; clarifies "prior convictions" for purposes of enhancing a DUI sentence; removes Class E felony designation for third or subsequent conviction for simple possession or casual exchange of a controlled substance in certain situations; removes mandatory 24-hour litter removal requirement for first DUI offenders. - Amends TCA Title 39; Title 40 and Title 55. (HB 1478 / SB 1572)
- 877** Gas, Petroleum Products, Volatile Oils - As enacted, authorizes a suspension of tank fees under the Tennessee Petroleum Underground Storage Tank Act, in certain situations; revises certain provisions regarding the petroleum underground storage tank fund. - Amends TCA Title 68. (HB 1503 / SB 1690)
- 878** Highways, Roads and Bridges - As enacted, provides for the naming of certain roads and bridges in honor of certain specified persons, and provides for the placement of other certain signage. - Amends TCA Title 54. (HB 1523 / SB 1473)
- 879** Special License Plates - As enacted, authorizes the issuance of certain new specialty earmarked plates; extends the minimum order deadline for certain plates; revises other special license plate provisions. - Amends TCA Title 55. (HB 1524 / SB 1474)
- 880** Computers and Electronic Processing - As enacted, authorizes the department of finance and administration to manage online payments to state government; authorizes the charging of additional fees to cover the cost of accepting online payments; clarifies that an online payment through the state portal does not discharge an obligation to the state until the state receives actual final payment. - Amends TCA Title 4, Chapter 3, Part 10. (HB 1544 / SB 2547)
- 881** Taxes - As enacted, specifies additional circumstances under which the commissioner of revenue may waive penalties for delinquent franchise and excise taxes; alters the formula for calculating quarterly estimated payments for franchise and excise taxes; reduces penalties for deficient or delinquent estimated franchise and excise tax payments from 5 percent to 2 percent per month; makes other related revisions. - Amends TCA Title 67. (HB 1554 / SB 2558)
- 882** Education - As enacted, authorizes local boards of education to admit pupils from outside their respective local school systems at any time without the approval of the previous LEA;

adds that in cases where an LEA has created a regional school with a specific focus on STEM, local BEP school funds will also follow the student into the LEA to which the student is transferring and no tuition may be charged by the receiving LEA; revises other related provisions. - Amends TCA Title 49, Chapter 6; Title 49, Chapter 1; Title 49, Chapter 2 and Title 49, Chapter 3. (HB 1638 / SB 1598)

- 883** Hospitals and Health Care Facilities - As enacted, extends the nursing home assessment by one year; revises certain long-term care provisions. - Amends TCA Title 68 and Title 71. (HB 1656 / SB 2074)
- 884** Criminal Offenses - As enacted, clarifies the offense of harassment with respect to the methods by which harassment may occur and broadens the offense to include the methods available through modern technology. - Amends TCA Section 39-17-308. (HB 1666 / SB 2282)
- 885** Taxes, Alcoholic Beverages - As enacted, extends certain alternative distribution provisions concerning liquor-by-the-drink tax proceeds to local governments. - Amends TCA Title 4; Title 5; Title 6; Title 7; Title 8; Title 9; Title 49; Title 57 and Title 67. (HB 1691 / SB 2603)
- 886** Public Health - As enacted, requires the commissioner of health to encourage public health organizations, the medical community, the department of education, the department of labor and workforce development, the department of general services, and other relevant stakeholders to examine the asthma prevention protocols posted on the web site of the National Heart, Lung and Blood Institute of the National Institutes of Health (NIH) and related information; requires the commissioner to include on the department of health web site the Internet links to the protocols to better assist people affected by environmental illnesses and multiple chemical sensitivities. - Amends TCA Title 49; Title 50; Title 63 and Title 68. (HB 1712 / SB 2589)
- 887** Industrial Development - As enacted, specifies, in regard to the requirement that the Tennessee technology development corporation provide financial assistance through contracts, grants and loans to programs of scientific and technological research and development, that such assistance includes matching grants to Tennessee's industries and universities to conduct applied research of strategic importance to Tennessee's economy. - Amends TCA Title 4 and Title 67. (HB 1837 / SB 2606)
- 888** DUI Offenses - As enacted, establishes requirements for the removal of an ignition interlock device and revises other related provisions. - Amends TCA Title 55, Chapter 10 and Title 55, Chapter 50. (HB 1843 / SB 2065)

- 889** Education - As enacted, enacts the "Course Access Program Act." - Amends TCA Title 49. (HB 1879 / SB 2497)
- 890** Taxes, Hotel Motel - As enacted, authorizes the City of Spring Hill to levy a privilege tax upon the privilege of occupancy by a 2/3 vote of its governing body; amount of tax not to exceed three percent of the consideration charged by the operator; proceeds to be used solely for tourism development purposes. - Amends TCA Section 67-4-1425. (HB 1913 / SB 1875)
- 891** Agriculture - As enacted, redefines industrial hemp under the Tennessee Right to Farm Act, and revises other provisions of the Act. - Amends TCA Title 39; Title 43 and Chapter 936 of the Public Acts of 2014. (HB 2032 / SB 1611)
- 892** Highway Signs - As enacted, specifies that TDOT has sole and exclusive jurisdiction over the design, erection, installation, and maintenance of TODS signs located within the right-of-way of any highway designated as part of the state highway system, including TODS signs within the corporate limits of municipalities; creates certain exceptions. - Amends TCA Title 54, Chapter 5. (HB 2064 / SB 1971)
- 893** Criminal Procedure - As enacted, allows petitioner to request expedited expunction in cases where the person was arrested or charged due to mistaken identity. - Amends TCA Title 40, Chapter 32. (HB 2102 / SB 2279)
- 894** Mental Health & Substance Abuse Services, Dept. of - As enacted, requires the commissioner to submit a report to the health and welfare committee of the senate and the health committee of the house concerning the feasibility of a pilot program for one county that seeks to address overcrowding in jails and correction institutions by providing diversionary or transitional services that include mental health services and supports, substance abuse treatment and counseling, health care, and employment and housing supports. - Amends TCA Title 4; Title 33; Title 40; Title 41; Title 50 and Title 71. (HB 2107 / SB 2070)
- 895** Domestic Violence - As enacted, specifies that if domestic abuse is the underlying offense for which a tenancy is terminated, only the perpetrator may be evicted; enacts other provisions governing and domestic violence. - Amends TCA Title 29; Title 36 and Title 66. (HB 2116 / SB 2592)
- 896** Tennessee Bureau of Investigation - As enacted, requires the TBI to provide to the commissioner of health and to the general assembly an annual report on all law enforcement-related deaths that occurred in the prior calendar year. - Amends TCA Title 38 and Title 68. (HB 2122 / SB 2304)

- 897** Taxes, Litigation - As enacted, authorizes Rutherford County to levy an additional litigation tax to be used for construction and maintenance of a jail, workhouse, juvenile detention center, or courthouse project. - Amends TCA Title 67, Chapter 4, Part 6. (HB 2145 / SB 2100)
- 898** Alcohol Offenses, Sales - As enacted, revises provisions governing violations and penalties relating to the sale of alcoholic beverages. - Amends TCA Title 57. (HB 2240 / SB 2344)
- 899** Probation and Parole - As enacted, specifies that a person with a felony sentence of two years or less who is placed on probation based on reaching their release eligibility date may have their probation revoked pursuant to a revocation proceeding; revises other related provisions. - Amends TCA Title 37; Title 38; Title 39 and Title 40. (HB 2374 / SB 2341)
- 900** Criminal Offenses - As enacted, adds certain situations in which the use of an unmanned aircraft to capture an image is allowed. - Amends TCA Title 39, Chapter 13. (HB 2376 / SB 2470)
- 901** Courts, Juvenile - As enacted, authorizes, in Williamson County, the clerks of special juvenile courts and courts of general sessions having juvenile court jurisdiction to collect \$75.00 from any person whose case is adjudicated in various instances; designates the fees collected from such adjudications to be used exclusively for the creation and maintenance of new juvenile court facilities; requires vote of legislative body. - Amends TCA Title 8, Chapter 21; Title 16 and Title 37. (HB 2406 / SB 2120)
- 902** Motor Vehicles, Titling and Registration - As enacted, authorizes any nonprofit organization owning any vehicle that may be legally operated upon the streets or highways of this state with a regular vehicle registration to operate or move, through an authorized agent or employee, the vehicle upon any highway of the state without registering the vehicle; requires display of a special purpose plate issued to the owner. - Amends TCA Title 55, Chapter 4, Part 2. (HB 2411 / SB 2331)
- 903** Handgun Permits - As enacted, lowers the age for receiving a handgun carry permit from 21 years of age to 18 years of age for persons who are an honorably discharged or retired veteran of the U.S. armed forces or a service member on active duty status. - Amends TCA Section 39-17-1351. (HB 2425 / SB 2238)
- 904** Motor Vehicles - As enacted, adds an exemption from the licensure requirement for motor vehicle dealers for person to sell motor vehicles to licensed automotive dismantlers and recyclers, or to registered scrap metal processors - Amends TCA Title 55; Title 62 and Title 68. (HB 2473 / SB 2471)

- 905** Victims' Rights - As enacted, increases from \$750 to \$1,000 the maximum amount payable by the criminal injuries compensation fund for the provision of forensic medical examinations performed on victims of sexually oriented crimes. - Amends TCA Section 29-13-118. (HB 2514 / SB 2315)
- 906** Sentencing - As enacted, enacts the "Public Safety Act of 2016." - Amends TCA Title 36, Chapter 3, Part 6; Title 39, Chapter 13, Part 1; Title 39, Chapter 14, Part 1; Title 40, Chapter 28; Title 40, Chapter 35 and Title 41, Chapter 1, Part 4. (HB 2576 / SB 2567)
- 907** Taxes, Sales - As enacted, revises provisions governing the information report submitted by retailers to the commissioner of revenue regarding the sales of certain products. - Amends TCA Title 67, Chapter 6, Part 4. (HB 2579 / SB 2570)
- 908** Alcoholic Beverage Commission - As enacted, revises provisions governing penalties imposed on server permit holders for certain violations; requires any employee, representative, or agent of a permittee whose duties include verifying that a person is 21 years of age or older for the purpose of authorizing the person access to the premises of the permittee to require each person seeking access to the premises whose physical appearance does not reasonably demonstrate an age of 50 years or older to present a valid, government-issued document or other acceptable form of identification that includes the photograph and birth date of the person. - Amends TCA Section 57-1-201; Section 57-3-204; Section 57-3-704; Section 57-3-706; Section 57-3-818 and Title 57, Chapter 5, Part 6. (HB 2594 / SB 2360)
- 909** Regional Authorities and Special Districts - As enacted, renames the Four Lake regional industrial development authority to the Tennessee central economic authority. - Amends TCA Section 4-29-239; Title 64, Chapter 5, Part 2 and Title 67, Chapter 9, Part 1. (HB 2639 / SB 2665)
- 910** Tennessee Higher Education Commission - As enacted, requires the executive director of THEC to convene a task force to examine the statutory tuition discount and waiver programs offered at public institutions of higher education in Tennessee. - Amends TCA Title 4, Chapter 58; Title 49, Chapter 7; Title 49, Chapter 8 and Title 49, Chapter 9. (SB 514 / HB 710)
- 911** Insurance Companies, Agents, Brokers, Policies - As enacted, defines funeral merchandise for prearrangement insurance policies; revises provisions governing funeral merchandise. - Amends TCA Title 46 and Title 62, Chapter 5. (SB 621 / HB 199)

- 912** Hospitals and Health Care Facilities - As enacted, enacts provisions governing nonresidential office-based opioid treatment facilities and nonresidential opioid treatment programs. - Amends TCA Title 33, Chapter 2 and Title 68, Chapter 11. 9SB 829 / HB 929)
- 913** Hospitals and Health Care Facilities - As enacted, requires accountable care organizations to establish a clinical laboratory testing advisory board. - Amends TCA Title 56 and Title 68, Chapter 29. (SB 851 / HB 1100)
- 914** Public Records - As enacted, changes references from "social security numbers" to "personally identifying information" in provisions regarding the redaction of certain information in public records to conform with other recently enacted laws. - Amends TCA Title 10, Chapter 7, Part 5. (SB 910 / HB 876)
- 915** Veterans - As enacted, specifies that no fee may be charged for the interment of an eligible veteran in a state veterans' cemetery and limits the fee to \$610 for the interment of an eligible veteran's spouse. - Amends TCA Title 46, Chapter 6. (SB 1090 / HB 828)
- 916** Education, Dept. of - As enacted, requires the department of education, when publishing the list of priority schools, to list all schools in the state in order by success rate from the highest to the lowest; and list all schools in each county and each LEA in order by success rate from the highest to the lowest. - Amends TCA Title 49, Chapter 1, Part 6. (SB 1144 / HB 1121)
- 917** County Government - As enacted, deletes an exemption for Washington County from the general law governing procedures for amending a county budget. - Amends TCA Title 5, Chapter 9, Part 4. (SB 1180 / HB 1060)
- 918** Dentists and Dentistry - As enacted, specifies that a person who authorizes the practice of teledentistry will be deemed to be practicing dentistry and subject to requirements governing dentistry; requires dentists who deliver services using teledentistry to establish protocols for the practice; enacts other provisions governing teledentistry. - Amends TCA Title 63. (SB 1214 / HB 976)
- 919** Adoption - As enacted, revises various provisions of law regarding adoption, including provisions governing termination of parental rights, abandonment, and surrender. - Amends TCA Title 36. (SB 1393 / HB 1369)
- 920** Governor - As enacted, creates the Tennessee Tri-Star General Award, to be awarded by the governor to distinguished individuals who have a record of outstanding service to this state or a local subdivision of this state. - Amends TCA Title 4; Title 8 and Title 58. (SB 1458 / HB 1457)

- 921** Hospitals and Health Care Facilities - As enacted, increases the membership of the board for licensing health care facilities from 18 to 19 by adding a member representing ambulatory surgical treatment centers to the board. - Amends TCA Title 68, Chapter 11, Part 2. (SB 1468 / HB 1470)
- 922** Alcoholic Beverages - As enacted, authorizes the sale of alcoholic beverages for on-premises consumption at Lillie Belle's in Franklin, Mt. Brushy in Morgan County, and the Salt Box Inn in Putnam County; revises description of Laurel Valley Golf Club (Blount County) for purposes of the sale of alcoholic beverages for on-premises consumption. - Amends TCA Title 57, Chapter 4. (SB 1469 / HB 1735)
- 923** Common Carriers - As enacted, revises provisions governing permits for movements of overweight and overdimensional vehicles, including permit fees. - Amends TCA Title 55, Chapter 4, Part 4 and Title 55, Chapter 7, Part 2. (SB 1479 / HB 1471)
- 924** Cemeteries - As enacted, extends to all local governments the authorization that county governments currently have to use local funds to rehabilitate or maintain dilapidated or abandoned cemeteries that do not maintain a sufficient improvement care trust fund or are not maintained adequately. - Amends TCA Title 46, Chapter 2, Part 1. (SB 1480 / HB 2436)
- 925** Handgun Permits - As enacted, removes the five-year time frame requirement from the exemption to the handgun safety course requirement for applicants who successfully completed all handgun training of not less than four hours as required by any branch of the military within five years from the date the application for a handgun carry permit is filed. - Amends TCA Title 39, Chapter 17, Part 13. (SB 1490 / HB 1641)
- 926** Mental Health & Substance Abuse Services, Dept. of - As enacted, declares that no person providing counseling or therapy services will be required to counsel or serve a client as to goals, outcomes, or behaviors that conflict with the sincerely held principles of the counselor or therapist; requires such counselor or therapist to refer the client to another counselor or therapist; creates immunity for such action; maintains liability for counselors who will not counsel a client based on the counselor's religious beliefs when the individual seeking or undergoing the counseling is in imminent danger of harming themselves or others. - Amends TCA Title 4; Title 49 and Title 63. (SB 1556 / HB 1840) **{See Appendix "G"}**
- 927** Motor Vehicles - As enacted, redefines "autonomous technology" for purposes of provision whereby no political subdivision may by ordinance, resolution, or any other means prohibit within the jurisdictional boundaries of the political subdivision the use of a motor vehicle equipped with autonomous technology if the motor vehicle otherwise complies with all safety regulations of the political subdivision; clarifies the definition of "autonomous technology" applicable to the provisions governing electronic displays, such as televisions, in motor



vehicles. - Amends TCA Title 47; Title 54, Chapter 1; Title 55 and Title 67. (SB 1561 / HB 1564)

- 928** Charitable Solicitations - As enacted, specifies that educational institutions exempt from registering with the division of charitable solicitations, includes institutions that are approved by the local board of education, the ASD, or the state board of education; extends certain renewal of registration filings for an additional 60 days. - Amends TCA Title 48, Chapter 101. (SB 1566 / HB 1979)
- 929** Administrative Procedure (UAPA) - As enacted, continues permanent rules filed with the secretary of state after January 1, 2015. (SB 1576 / HB 1624)
- 930** Scholarships and Financial Aid - As enacted, revises various provisions governing Tennessee STEP UP scholarships. - Amends TCA Section 49-4-943. (SB 1584 / HB 1983)
- 931** Pensions and Retirement Benefits - As enacted, authorizes all public pension and retirement plans, including those of utility districts and other local governmental entities, to recognize a qualified domestic relations order that directs the entity to allocate a portion of a member's benefits to the member's former spouse. - Amends TCA Section 26-2-105. (SB 1587 / HB 1870)
- 932** Statutes of Limitations and Repose - As enacted, revises provisions governing statutes of limitations for persons lacking capacity to understand legal rights and liabilities. - Amends TCA Title 16; Title 20; Title 27; Title 28; Title 29; Title 30; Title 32; Title 34; Title 54; Title 66 and Title 69. (SB 1597 / HB 1651)
- 933** Taxes, Hotel Motel - As enacted, authorizes the Town of Dandridge to levy a privilege tax upon the privilege of occupancy by a 2/3 vote of its governing body. - Amends TCA Title 67, Chapter 4, Part 14. (SB 1604 / HB 2041)
- 934** Sentencing - As enacted, adds Class E felony vandalism to the offenses for which a person's sentence may be enhanced if the offense is committed during the time and place of a declared emergency. - Amends TCA Title 40, Chapter 35, Part 1. (SB 1609 / HB 1505)
- 935** Purchasing and Procurement - As enacted, authorizes local governments to enter cooperative purchasing agreements with federal agencies; excludes certain purchases. - Amends TCA Section 12-3-1205. (SB 1615 / HB 1629)

- 936** Election Laws - As enacted, establishes an online voter registration system beginning July 1, 2017. - Amends TCA Title 2, Chapter 2, Part 1. (SB 1626 / HB 1742) **{See Appendix "C"}**
- 937** Cooperatives - As enacted, revises provisions governing unclaimed property and electric cooperatives. - Amends TCA Title 65, Chapter 25 and Title 66, Chapter 29, Part 1. (SB 1633 / HB 1664)
- 938** Taxes, Real Property - As enacted, changes the formula for calculating hearing costs in property tax appeals before the board of equalization; permits the assessment appeals commission to issue a notice rather than a certificate of assessment in certain circumstances; changes notice requirements for unpaid rollback taxes. - Amends TCA Title 67, Chapter 5. (SB 1646 / HB 1689)
- 939** Criminal Offenses - As enacted, creates Class A misdemeanor offenses for supervisors or employees who make false statements or engage in other activity to hinder an audit conducted by or on behalf of the comptroller of the treasury. - Amends TCA Title 39, Chapter 16, Part 4. (SB 1649 / HB 1701)
- 940** Motor Vehicles - As enacted, authorizes off-highway vehicles on State Route 167 in Johnson County from Roan Creek Campground to Doe Mountain. - Amends TCA Title 11, Chapter 25, Part 1 and Title 55, Chapter 8. (SB 1650 / HB 2181)
- 941** Sexual Offenses - As enacted, makes sex offender registration for persons convicted of misdemeanor unlawful photographing in violation of privacy discretionary instead of mandatory; the judge may order registration after taking into account the facts and circumstances surrounding the offense. - Amends TCA Title 39, Chapter 13, Part 6 and Title 40, Chapter 39. (SB 1663 / HB 1448)
- 942** Birth Control - As enacted, authorizes a pharmacist to provide hormonal contraceptives according to a valid collaborative pharmacy practice agreement containing a nonpatient-specific prescriptive order and standardized procedures developed and executed by one or more authorized prescribers, in certain circumstances. - Amends TCA Title 53; Title 56; Title 63; Title 68 and Title 71. (SB 1677 / HB 1823)
- 943** Lottery, Scholarships and Programs - As enacted, revises eligibility requirements for home school students and students who graduate from an ineligible high school to receive the general assembly merit scholarship. - Amends TCA Section 49-4-916. (SB 1695 / HB 1665)

- 944** Traffic Safety - As enacted, creates offense of operating a motor vehicle in a bicycle lane; establishes exceptions to offense and penalties for violations. - Amends TCA Title 55, Chapter 8. (SB 1697 / HB 1487)
- 945** Taxes, Litigation - As enacted, allows Williamson County, upon the adoption of a resolution by a 2/3 majority vote of the county legislative body, to assess a privilege tax on litigation in civil cases in an amount not to exceed \$25.00 per case to be used exclusively for personnel and operating costs of the circuit court located in that county; excludes original proceedings brought in juvenile court. - Amends TCA Title 67, Chapter 4, Part 6. (SB 1698 / HB 2557)
- 946** Medical Occupations - As enacted, authorizes a licensed podiatrist to supervise a physician assistant or an orthopedic physician assistant; requires compliance with certain statutory requirements and administrative rules; enacts other provisions related to such supervision. - Amends TCA Title 63, Chapter 19 and Title 63, Chapter 3. (SB 1723 / HB 1906)
- 947** Weapons - As enacted, provides immunity from civil liability to a person, business, or other entity that owns, controls, or manages property and has the authority to prohibit weapons on that property by positing, with respect to any claim based on the person's, business's, or other entity's failure to adopt such a policy. - Amends TCA Title 39, Chapter 17, Part 13. (SB 1736 / HB 2033)
- 948** Health Care - As enacted, authorizes a qualified physician assistant to evaluate and provide care to a youth athlete who suffered, or is suspected to have suffered, a concussion or head injury during the course of a school youth athletic activity. - Amends TCA Section 68-55-501. (SB 1740 / HB 2179)
- 949** Game and Fish Laws - As enacted, creates a nine-member task force to make recommendations for statutory changes to protect the state's wildlife and waterways against any detrimental effects of invasive Asian carp. - Amends TCA Title 67; Title 69 and Title 70. 9SB 1753 / HB 1821)
- 950** Public Health - As enacted, to the extent permitted by federal law, prohibits the department of health from counting the basic allowance for subsistence as income in determining eligibility of an applicant who is a member of the uniformed service for the special food program for women, infants, and children. - Amends TCA Title 68. (SB 1759 / HB 1802)
- 951** Criminal Offenses - As enacted, removes provision whereby a person who provides prayer in lieu of medical or surgical treatment could not be charged with the crime of child abuse, neglect, or endangerment solely for that reason. - Amends TCA Section 39-15-402. (SB 1761 / HB 2043)

- 952** Drugs, Prescription - As enacted, permits a physician or osteopathic physician to prescribe, order, or otherwise distribute, for the purpose of treating binge eating disorder, a drug that is approved by the FDA for that indication. - Amends TCA Title 63, Chapter 6. (SB 1765 / HB 1856)
- 953** Alcoholic Beverages - As enacted, allows Holston Hills Country Club in Knox County to serve and sell alcoholic beverages for consumption on premises; designates the Orpheum Theater's Halloran Center as a "historic performing arts center" for purposes of on-premises consumption of alcoholic beverages; authorizes Porter Inn in Nashville to serve alcoholic beverages for on-premises consumption. - Amends TCA Title 57, Chapter 4, Part 1. (SB 1766 / HB 2520)
- 954** Election Laws - As enacted, authorizes the exclusion of residents of correctional institutions from being considered in reapportionment. - Amends TCA Title 5 and Title 41. (SB 1811 / HB 2053)
- 955** Medical Occupations - As enacted, revises the educational requirements for licensure as a clinical pastoral therapist; authorizes issuance of temporary licenses to clinical pastoral therapists who are in training. - Amends TCA Title 63, Chapter 22. (SB 1814 / HB 1849)
- 956** Physicians and Surgeons - As enacted, replaces requirement that individual physician's offices and practices register as medical spas with a requirement that any physician-owned practice that advertises or holds itself out as a medical spa or a physician-owned practice that primarily engages in the performance of elective cosmetic medical services must register as a medical spa. - Amends TCA Section 63-6-105. (SB 1815 / HB 1909)
- 957** Local Education Agencies - As enacted, requires all LEAs using the uniform grading system for lottery scholarship purposes, and another grading system based on quality points for other purposes, to award additional quality points for honors and other advanced courses uniformly. - Amends TCA Title 49. (SB 1831 / HB 2426)
- 958** Sexual Offenses - As enacted, extends the statute of limitation for aggravated statutory rape committed on or after July 1, 2016, from four years to 15 years from the date the victim becomes 18 years of age. - Amends TCA Title 39 and Title 40, Chapter 2. (SB 1841 / HB 2120)
- 959** Drugs, Prescription - As enacted, authorizes the commissioner of health to obtain records maintained by any healthcare facility in order to facilitate investigations and inquiries concerning opioid drug abuse, opioid drug overdoses, and opioid overdose deaths. - Amends TCA Title 53; Title 63 and Title 68. (SB 1850 / HB 2447)

- 960** Criminal Procedure - As enacted, revises references to criminal offenses in the expunction provisions to conform to changes made to those criminal offenses by the Public Safety Act of 2016. - Amends TCA Title 39 and Title 40. (SB 1859 / HB 2026)
- 961** Education - As enacted, authorizes the state board of education to promulgate rules for the development of a program whereby 501(c)(3) nonprofit corporations may be recognized for the purpose of assisting LEAs through the selection and appointment of qualified volunteers; requires LEAs to establish a local appeal process through which a recognized 501(c)(3) nonprofit corporation may appeal a decision of the LEA to reject the corporation's offer of assistance. - Amends TCA Title 49. (SB 1864 / HB 2489)
- 962** Pensions and Retirement Benefits - As enacted, revises various provisions governing TCRS including clarifying that the transfer of funds from the stabilization reserve trust account is not a maximum unfunded liability cost and revising provisions concerning TCRS investments. - Amends TCA Section 3-9-103; Title 8, Chapter 25; Title 8, Chapter 34; Title 8, Chapter 35; Title 8, Chapter 36; Title 8, Chapter 37 and Section 26-2-105. (SB 1869 / HB 1920)
- 963** Criminal Procedure - As enacted, releases a surety on a defendant's forfeited bond when the defendant is arrested on a capias and the bond was forfeited after the defendant did not comply with conditions of the bond. - Amends TCA Section 40-11-139. (SB 1891 / HB 1953)
- 964** Alcoholic Beverages - As enacted, allows Bessie Smith Cultural Center in Hamilton County to sell alcoholic beverages for consumption on premises. - Amends TCA Title 57, Chapter 4. (SB 1910 / HB 1915)
- 965** Alcoholic Beverages - As enacted, redesignates Historic Rugby from a premier type tourist resort to a historic interpretive center for purposes of consumption of alcohol on premises; removes references to year round in the description of Historic Rugby. - Amends TCA Section 57-4-102. (SB 1937 / HB 2018)
- 966** Soil Conservation - As enacted, authorizes a soil conservation district and the supervisors of the district, subject to the approval of the commissioner of agriculture, to borrow money for certain purposes. - Amends TCA Section 5-9-106; Title 9, Chapter 21 and Title 43. (SB 1951 / HB 2163)
- 967** Mass Transit - As enacted, revises the present law provisions governing overtaking on the right in regard to the operation of mass transit buses on shoulders and rights-of-way. - Amends TCA Title 5; Title 6; Title 7; Title 9; Title 54; Title 55; Title 64 and Title 65. (SB 1953 / HB 2022)

- 968** Dentists and Dentistry - As enacted, authorizes the commissioner of health to complete a comprehensive state oral health plan by January 1, 2017, and to submit the plan to the federal centers for disease control and prevention and to the general assembly. - Amends TCA Title 68. (SB 1956 / HB 2025)
- 969** Criminal Offenses - As enacted, makes various changes to the offense of stalking, including redefining "course of conduct". - Amends TCA Title 20, Chapter 14; Title 36, Chapter 3, Part 6 and Title 39. (SB 1962 / HB 1779)
- 970** Clerks, Court - As enacted, authorizes the clerk in any court where electronic filing, signing, or verification of papers is authorized by court rule to assess a transaction fee for each filing submitted on an individual basis or by use of an annual subscription fee. - Amends TCA Title 8, Chapter 21, Part 4. (SB 1998 / HB 1857)
- 971** Lottery, Scholarships and Programs - As enacted, permits a student with a documented learning disability who is unable to take 12 semester hours as required for the Tennessee Promise scholarship to be eligible for the scholarship. - Amends TCA Title 49, Chapter 4. (SB 2039 / HB 2505)
- 972** Law Enforcement - As enacted, encourages TBI to develop an activation card for law enforcement use in connection with the missing citizen alert program to help locate missing citizens who have wandered due to dementia or physical impairment. - Amends TCA Section 38-6-121. (SB 2049 / HB 2421)
- 973** Controlled Substances - As enacted, revises the provisions governing the dispensing of an opioid or benzodiazepine by a physician practice that provides healthcare services. - Amends TCA Title 63. (SB 2060 / HB 2126)
- 974** Municipal Government - As enacted, authorizes the classifying as confidential and not subject to disclosure, except by court order, the records held by a city whose primary industry is tourism that address a specific amount of money expended in a given market for digital or traditional media or that address the specific detail of targeted audiences identified for marketing purposes. - Amends TCA Title 6, Chapter 54, Part 2. (SB 2083 / HB 1997)
- 975** Highways, Roads and Bridges - As enacted, enacts the "Public-Private Transportation Act of 2016." - Amends TCA Title 4; Title 6; Title 9; Title 12; Title 54; Title 55; Title 65 and Title 67. (SB 2093 / HB 2407)

- 976** Alcoholic Beverages - As enacted, clarifies what items a manufacturer may use when having tastings on premises; enacts other tasting-related provisions; revises provisions governing permits to solicit orders. - Amends TCA Section 57-3-202. (SB 2096 / HB 1866)
- 977** Insurance Companies, Agents, Brokers, Policies - As enacted, creates a task force to identify causes for balance billing and recommend legislative solutions to protect consumers from balance billing by healthcare providers. - Amends TCA Title 8; Title 56; Title 63; Title 68 and Title 71. (SB 2107 / HB 1922)
- 978** Consumer Protection - As enacted, enacts the "Fantasy Sports Act". - Amends TCA Title 3; Title 4; Title 8; Title 39; Title 47; Title 56 and Title 67. (SB 2109 / HB 2105)
- 979** Criminal Offenses - As enacted, revises provisions regarding promoting prostitution; the dissemination of certain information by the TBI in regard to human trafficking; and the definition of "caregiver" for purposes of the laws governing juvenile courts and proceedings. - Amends TCA Title 37; Title 38 and Title 39. (SB 2121 / HB 2195)
- 980** Nurses, Nursing - As enacted, changes the title of advanced practice nurses to advanced practice registered nurses. - Amends TCA Section 24-9-101; Section 49-2-124; Section 53-10-104; Section 53-10-302; Section 53-11-309; Section 56-32-137; Section 56-7-2408; Section 63-1-109; Section 63-1-301; Section 63-1-313; Section 63-10-204; Section 63-10-217; Section 63-10-505; Section 63-10-506; Title 63, Chapter 29; Section 63-51-102; Section 63-6-244; Section 63-6-802; Title 63, Chapter 7; Section 63-9-121; Section 68-1-128; Section 68-11-224; Section 68-2-601 and Section 71-5-1414. (SB 2123 / HB 2423)
- 981** Highways, Roads and Bridges - As enacted, removes termination date of July 1, 2016, from the County Bridge Relief Act of 2014; permanently authorizes counties to use an unexpended balance of state-aid bridge grant funds to pay the local share of project costs for replacing or improving county bridges. - Amends TCA Section 54-4-507. (SB 2142 / HB 2180)
- 982** Motor Vehicles - As enacted, redefines "medium speed vehicle" to include vehicles that have a top speed greater than 30 mph, but whose maximum speed allowed is 35 mph only on streets with a 40 mph or less posted speed limit. - Amends TCA Title 55. (SB 2143 / HB 2185)
- 983** Professions and Occupations - As enacted, requires the state board of cosmetology and barber examiners to issue certificates of registration for mobile barber shops and licenses for mobile cosmetology, dual, manicure, skin care, or other category of shop licensed by the board. - Amends TCA Title 55; Title 62 and Title 68. (SB 2167 / HB 2486)

- 984** Health Care - As enacted, redefines "traumatic brain injury residential home"; requires that any TBI residential home currently operating be licensed by the board for licensing healthcare facilities by January 1, 2017. - Amends TCA Section 68-11-201 and Section 68-11-273. (SB 2183 / HB 1907)
- 985** Hazardous Materials - As enacted, adds certain recyclers to the list of parties who are exempt from liability under the Hazardous Waste Management Act of 1983. - Amends TCA Section 58-2-604 and Section 68-212-202(a)(4)(E). (SB 2228 / HB 2169)
- 986** Abortion - As enacted, clarifies that the consent required of a woman in order for medical experiments, research, or the taking of photographs upon her aborted fetus must be in writing; allows the taking of photographs of the aborted fetus without the woman's consent if it is done for the purpose of capturing images that the person reasonably believes depict evidence of a violation of a state or federal law, rule, or regulation. - Amends TCA Title 10, Chapter 7, Part 5; Title 39, Chapter 15, Part 2; Title 63, Chapter 6, Part 2; Title 68, Chapter 3 and Title 68, Chapter 30. (SB 2240 / HB 1654)
- 987** Health Care - As enacted, enacts the "Maternal Mortality Review and Prevention Act of 2016". - Amends TCA Title 68. (SB 2303 / HB 1757)
- 988** Evidence - As enacted, requires that all biological evidence collected for a criminal offense or offenses in which one or more of the defendants received a sentence of death based upon the same criminal acts, whether the defendants were tried separately or together, be preserved until all defendants receiving a death sentence based on the same conduct are executed, otherwise die, or all related charges for which the defendants were convicted are dismissed. - Amends TCA Title 24; Title 39 and Title 40. (SB 2342 / HB 2377)
- 989** Children - As enacted, creates exemption from eye treatment given to newborns and infants for the minor child of any person who files with the department of health a signed, written statement that the treatment conflicts with the person's religious tenets and practices; removes Class C misdemeanor penalty for a physician, nurse, or midwife failing to administer the treatment. - Amends TCA Section 68-5-202. (SB 2371 / HB 2412)
- 990** Insurance, Health, Accident - As enacted, revises provisions governing coverage of telehealth services. - Amends TCA Section 56-7-1002. (SB 2373 / HB 2331)
- 991** Professions and Occupations - As enacted, revises various provisions governing licensure and certification for barbers and cosmetologists, including redefining "cosmetology" to include shampooing and natural hairstyling. - Amends TCA Title 62, Chapter 3 and Title 62, Chapter 4. (SB 2374 / HB 2373)



- 992** Zoning - As enacted, authorizes zoning consideration of temporary family healthcare structures; adds a requirement that, as part of the plan to expand cost-effective community-based residential alternatives to institutional care as required by the Long-Term Care Community Choices Act of 2008, the bureau of TennCare must seek written guidance from the centers for Medicare and Medicaid services regarding whether a temporary family healthcare structure may be covered in whole or in part under the program established by the Long-Term Care Community Choices Act of 2008. - Amends TCA Title 13; Title 68 and Title 71. (SB 2375 / HB 2040) **{See Appendix "H"}**
- 993** DUI Offenses - As enacted, authorizes the use of the ignition interlock fund to assist with the costs of other monitoring devices; renames the fund the "DUI monitoring fund" and limits the amounts to be expended from the fund; revises provisions governing service of a sentence for a DUI conviction in an alternative facility. - Amends TCA Title 40 and Title 55. (SB 2399 / HB 2424)
- 994** State Government - As enacted, creates a task force to study the feasibility of state government utilizing an open data policy. - Amends TCA Title 4; Title 10 and Title 12. (SB 2427 / HB 2215)
- 995** Utilities, Utility Districts - As enacted, enacts the "Municipal Energy Authority Act." - Amends TCA Title 7. (SB 2430 / HB 2439)
- 996** Physicians and Surgeons - As enacted, enacts the "Health Care Empowerment Act". - Amends TCA Title 56; Title 63; Title 68 and Title 71. (SB 2443 / HB 2323)
- 997** Cemeteries - As enacted, creates the community cemetery grant fund; provisions to be repealed July 1, 2019. - Amends TCA Title 46. (SB 2488 / HB 2268)
- 998** Traffic Safety - As enacted, requires that every notice of violation or citation issued that is based solely upon evidence obtained from any traffic enforcement camera used to enforce or monitor traffic violations of the requirement that motor vehicles stop at a red light, include a disclaimer stating that nonpayment of the notice or citation cannot adversely affect the person's credit score or report, driver's license, and/or automobile insurance rates. - Amends TCA Title 55, Chapter 50 and Title 55, Chapter 8. (SB 2492 / HB 2510)
- 999** Education - As enacted, changes various references from "curriculum" to "standards" in present law in order to clarify that the state board of education is responsible for academic standards and local boards are responsible for curriculum. - Amends TCA Title 49. (SB 2499 / HB 2009)

- 1000** Highways, Roads and Bridges - As enacted, urges the Tennessee Valley Authority to take steps to reopen the bridge spanning the confluence of the Caney Fork and Collins Rivers, which is commonly known as the Great Falls Dam, for thoroughfare traffic connecting White and Warren counties. - Amends TCA Title 54 and Title 55. (SB 2523 / HB 2477)
- 1001** Taxes, Exemption and Credits - As enacted, reduces the capital investment requirement for eligibility for qualified data center sales and use tax exemptions from \$250 million to \$100 million; exempts cooling equipment and backup power equipment sold or used by qualified data centers from the sales and use tax; requires qualified data center that applies for job tax credits to certify that it has not, within the previous 12 months, been found to be in violation of certain laws. - Amends TCA Title 67, Chapter 6. (SB 2537 / HB 1535)
- 1002** Drugs, Prescription - As enacted, enacts the "Tennessee Prescription Safety Act of 2016," which revises regulation of controlled substances; makes permanent most all of the changes made under the Tennessee Prescription Safety Act of 2012, and revises and enacts other provisions. - Amends TCA Title 53, Chapter 10; Title 63, Chapter 1; Chapter 791 of the Public Acts of 2014 and Chapter 880 of the Public Acts of 2012. (SB 2552 / HB 2571)
- 1003** Abortion - As enacted, establishes requirements regarding the disposition of aborted fetuses and fetal tissue, including reporting requirements and requirements for interim inspections of and certain reporting by facilities where surgical abortions are performed. - Amends TCA Title 39, Chapter 15, Part 2 and Title 68. (SB 2568 / HB 2577)
- 1004** Hospitals and Health Care Facilities - As enacted, establishes requirements for central service technicians. - Amends TCA Title 68. (SB 2581 / HB 2332)
- 1005** Juvenile Offenders - As enacted, requires the commissioner of children's services to report annually to the governor, the chief clerk of the senate, and the chief clerk of the house on probation and juvenile justice evidence-based treatment services; requires other reporting by juvenile court clerks. - Amends TCA Title 37. (SB 2584 / HB 2493)
- 1006** Elder Abuse - As enacted, requires, by January 1, 2017, the district attorney general of each judicial district to establish, or cause to be established, a vulnerable adult protective investigative team (VAPIT). - Amends TCA Title 71, Chapter 6. (SB 2588 / HB 1936)
- 1007** Water Pollution - As enacted, prohibits any NPDES permit that is issued to a municipal separate storm sewer system ("MS4") administrator in this state from imposing post-construction stormwater requirements, except to the extent necessary to comply with the minimum requirements of federal law; prohibits the state from requiring any entity that administers a MS4 under an NPDES permit to impose control measures for post-construction

stormwater that exceed the minimum requirements of federal law; enacts other related provisions. - Amends TCA Title 69, Chapter 3, Part 1. (SB 1830 / HB 1892)

- 1008** Transportation, Dept. of - As enacted, requires each local education agency (LEA) that provides transportation services to submit to the department the names of persons authorized to drive a school bus; requires the department to maintain a database of all those persons authorized to drive a school bus and notify the appropriate LEA if the driver license or driving privileges of a listed person have been suspended or revoked; imposes a fee of \$20.00 for each school bus endorsement or renewal thereof. - Amends TCA Title 49, Chapter 6, Part 21; Title 55, Chapter 50; Title 55, Chapter 52 and Title 71, Chapter 3, Part 5. (HB 577 / SB 1373)
- 1009** Privacy, Confidentiality - As enacted, makes confidential the identities of vendors providing the state with goods and services used to protect government property or government employee or citizen information; allows governmental entity to vote to make information about such goods and services provided to the entity confidential. - Amends TCA Title 10, Chapter 7. (HB 1543 / SB 2546)
- 1010** Taxes, Privilege - As enacted, requires the department of revenue to notify taxpayers by mail or e-mail of the amount of professional privilege tax owed, due date, and any electronic filing or payment requirement. - Amends TCA Title 67, Chapter 4, Part 17. (HB 1634 / SB 1886)
- 1011** Utilities, Utility Districts - As enacted, clarifies behavior that constitutes meeting a commissioner's fiduciary responsibility. - Amends TCA Title 7, Chapter 82. (HB 1690 / SB 1647)
- 1012** Common Carriers - As enacted, revises provisions governing overweight and overdimensional loads that are permitted and nondivisible. - Amends TCA Title 55, Chapter 7. (HB 1776 / SB 1964)
- 1013** Animal Control - As enacted, specifies that local governments may authorize an animal control agency to seize or take into custody any dog found trespassing on the premises of another person. - Amends TCA Section 44-8-408. (HB 1911 / SB 1876)
- 1014** Criminal Offenses - As enacted, creates the Class E felony offense of manufacturing marijuana concentrate by a process which uses an inherently hazardous substance like butane; creates Class A misdemeanor of owner of premises knowingly allowing the process to occur on the premises. - Amends TCA Title 39, Chapter 15, Part 4 and Title 39, Chapter 17, Part 4. (HB 1981 / SB 1586)

- 1015** Motor Vehicles - As enacted, redefines "autocycle" and clarifies definitions related to the weight or engine displacement of all-terrain vehicles and autocycles; prohibits a person who is operating an autocycle from carrying a child as a passenger if the child would have to be secured in a motor vehicle, with certain exceptions. - Amends TCA Title 11; Title 47 and Title 55. (HB 2045 / SB 2229)
- 1016** Political Parties - As enacted, redefines, for purposes of the Election Code, "statewide political party" to mean a political party at least one of whose candidates for an office to be elected by voters of the entire state has received a number of votes equal to at least 5 percent of the total number of votes cast for gubernatorial candidates in the most recent election of governor. - Amends TCA Title 2. (HB 2079 / SB 2605)
- 1017** Courts, Juvenile - As enacted, establishes requirements for the expunction of certain juveniles' records in cases of successful completion of informal adjustment or dismissal; allows a person adjudicated unruly to petition the juvenile court for expunction. - Amends TCA Section 37-1-153. (HB 2193 / SB 2585)
- 1018** Insurance Companies, Agents, Brokers, Policies - As enacted, establishes a new method by which a captive insurance company may redomesticate to this state; revises provisions governing premium tax and captive insurance companies; revises other captive insurance provisions. - Amends TCA Title 56. (HB 2228 / SB 2402)
- 1019** Economic and Community Development - As enacted, enacts the "Rural Economic Opportunity Act of 2016"; authorizes a job tax credit for qualified business enterprises located in tier 4 enhancement counties; specifies the minimum jobs criteria and requirements to qualify for the credit; establishes the propelling rural economic progress (P.R.E.P.) fund; establishes guidelines for making grants from the P.R.E.P. fund. - Amends TCA Title 4, Chapter 3 and Title 67, Chapter 4. (HB 2570 / SB 2538)
- 1020** Basic Education Program (BEP) - As enacted, eliminates an obsolete provision concerning the BEP; revises the BEP calculation; revises other related provisions. - Amends TCA Title 49, Chapter 3, Part 3. (HB 2574 / SB 2565) **{See Appendix "I"}**
- 1021** Probation and Parole - As enacted, makes a person who commits vehicular homicide where alcohol or drugs were involved ineligible for probation. - Amends TCA Title 40, Chapter 35, Part 3. (SB 35 / HB 576)
- 1022** Alcoholic Beverages - As enacted, designates Reds Ale House in Cumberland County as a premier type tourist resort for purposes of on-premises consumption of alcoholic beverages. - Amends TCA Title 57. (SB 396 / HB 634)

- 1023** Courts, Supreme Court of Tennessee - As enacted, permits the supreme court to commission as senior judge a state trial court judge who was elected at least twice and served at least two full eight-year terms but was not reelected following the judge's most recent term of judicial service. - Amends TCA Title 17, Chapter 2, Part 3. (SB 408 / HB 526)
- 1024** Taxes, Privilege - As enacted, directs the Tennessee advisory commission on intergovernmental relations (TACIR) to study and make recommendations relative to the professional privilege tax. - Amends TCA Title 67, Chapter 4, Part 17. (SB 556 / HB 678)
- 1025** Sentencing - As enacted, creates a new sentencing enhancement factor when the defendant committed the offense of robbery, aggravated robbery, or especially aggravated robbery on the premises of a licensed pharmacy in an effort to unlawfully obtain, sell, give, or exchange a controlled substance, controlled substance analogue, or other illegal drug. - Amends TCA Section 40-35-114. (SB 593 / HB 587)
- 1026** Sentencing - As enacted, permits a court to order a qualified defendant to serve a period or periods of confinement in the local jail or workhouse not to exceed a total 30 days as a reasonable condition of judicial diversion. - Amends TCA Title 40. (SB 637 / HB 203)
- 1027** Economic and Community Development - As enacted, creates the aeronautics economic development fund to be used by the department of transportation for program administration, marketing expenses, and program evaluation; authorizes the executive director of TWRA to use funds from the 1986 wetland acquisition fund to acquire the McCartt Tract and adjacent lands in Morgan County; authorizes certain fund expenditures. - Amends TCA Title 4; Title 6; Title 7; Title 8; Title 9; Title 11; Title 13; Title 50; Title 65 and Title 67. (SB 750 / HB 809)
- 1028** Motor Vehicles, Titling and Registration - As enacted, authorizes certain counties to exempt certain newer motor vehicles from emissions testing requirements. - Amends TCA Title 55, Chapter 4, Part 1; Title 55, Chapter 6 and Title 68, Chapter 201. (SB 777 / HB 721)
- 1029** Medical Occupations - As enacted, amends the provisions governing X-ray equipment operators. - Amends TCA Title 63, Chapter 6, Part 2. (SB 899 / HB 993)
- 1030** Alcohol Offenses, Motor Vehicles - As enacted, changes age group to which offense of underage driving while impaired statute applies from 16–21 to 16–18 and gives judge the authority to order the issuance of a restricted license, including interlock device, to 16–18 year olds committing underage driving while impaired. - Amends TCA Title 55, Chapter 10, Part 4. (SB 1317 / HB 622)

- 1031** State Government - As enacted, specifies that the legislative branch of state government and the judicial branch of state government maintain control of the state buildings occupied predominately by the legislative branch and the judicial branch, respectively. - Amends TCA Title 3; Title 4; Title 9, Chapter 4 and Title 12. (SB 1342 / HB 1365)
- 1032** Statutes of Limitations and Repose - As enacted, extends the statute of limitations for prosecution of the offenses of aggravated child abuse, or aggravated child neglect or endangerment. - Amends TCA Title 40, Chapter 2, Part 1. (SB 1447 / HB 1645)
- 1033** Hospitals and Health Care Facilities - As enacted, imposes licensure and other requirements on pain management clinics. - Amends TCA Title 63 and Title 68. (SB 1466 / HB 1731) {See Appendix "J"}
- 1034** Sentencing - As enacted, revises the criminal gang enhancement statute. - Amends TCA Title 39 and Title 40. (SB 1558 / HB 1479)
- 1035** Physicians and Surgeons - As enacted, revises provisions relating to the qualifications of an applicant for a license to practice medicine; authorizes the board of medical examiners to issue certain temporary licenses to practice medicine. - Amends TCA Title 63, Chapter 6. (SB 1580 / HB 1729)
- 1036** School Transportation - As enacted, broadens the scope of the offense regarding a school bus driver using certain electronic devices while operating a bus with a child on board and increases the penalty for the offense. - Amends TCA Title 39 and Title 55. (SB 1596 / HB 1484)
- 1037** Handgun Permits - As enacted, imposes a reduced fee for a lifetime handgun carry permit for certain retired federal, state, and local law enforcement officers. - Amends TCA Section 39-17-1351. (SB 1665 / HB 1749)
- 1038** Sexual Offenses - As enacted, revises the offense of sexual contact with a minor by an authority figure to eliminate the requirement that a minor be between 13 and 18 years of age to qualify for this offense, so that a minor includes any person less than 18 years of age. - Amends TCA Title 39 and Title 40. (SB 1682 / HB 1694)
- 1039** Highway Signs - As enacted, enacts the "Tyler Head Law," which creates a memorial sign program for persons who died in accidents caused by drivers under the influence of drugs or alcohol. - Amends TCA Title 39; Title 54 and Title 55. (SB 1730 / HB 1514)

- 1040** Racing and Motor Sports - As enacted, creates the state horse racing advisory committee to develop recommendations for legislation related to the establishment of horse racing in this state; repeals the commission July 1, 2018. - Amends TCA Title 4. (SB 1738 / HB 2029)
- 1041** Tennessee Bureau of Investigation - As enacted, authorize TBI investigators, without a request from the district attorney general, to investigate criminal offenses related to arson and explosives. - Amends TCA Title 38, Chapter 6 and Title 68, Chapter 102. (SB 1775 / HB 2047)
- 1042** Boards and Commissions - As enacted, revises membership of the viticulture advisory board. - Amends TCA Title 4 and Title 43, Chapter 30. (SB 1800 / HB 1990)
- 1043** Hospitals and Health Care Facilities - As enacted, revises various provisions governing certificates of need; requires certain reporting by person who provides magnetic resonance imaging services. - Amends TCA Title 68. (SB 1842 / HB 1730) **{See Appendix "K"}**
- 1044** Elder Abuse - As enacted, revises requirements for criminal background checks in certain health care facilities; convenes working groups on elder abuse; revises other provisions relative to abuse of certain vulnerable persons. - Amends TCA Title 4; Title 33; Title 47; Title 68 and Title 71. (SB 1848 / HB 1824)
- 1045** Alcoholic Beverages - As enacted, revises provisions governing delivery and transportation of alcoholic beverages and beer. - Amends TCA Title 39 and Title 57. (SB 1879 / HB 1994)
- 1046** Medical Occupations - As enacted, creates a task force to study issues related to healthcare services; specifies that the task force will make a report and cease to exist by January 10, 2017. - Amends TCA Title 63, Chapter 7. (SB 1979 / HB 2088)
- 1047** Emergency Communications Districts - As enacted, revises various provisions governing the 911 fee collection practice. - Amends TCA Title 7, Chapter 86. (SB 2051 / HB 2192)
- 1048** Taxes, Sales - As enacted, changes date for annual sales tax holiday from the first weekend in August to the last weekend in July each year. - Amends TCA Section 67-6-393. (SB 2239 / HB 1652)
- 1049** Firearms and Ammunition - As enacted, authorizes local boards of education in Pickett and Wayne counties to adopt a policy allowing the director of schools, in consultation with the principal of each school, to authorize and select employees who may carry a concealed handgun within and on the grounds of the school to which the person is assigned; establishes

related requirements. - Amends TCA Title 39 and Title 49, Chapter 6. (SB 2249 / HB 1751)  
**{See Appendix "E"}**

- 1050** Water Authorities - As enacted, sunsets the Hamilton County water and wastewater treatment authority created pursuant to this state's Water and Wastewater Treatment Authority Act, July 1, 2021; revises other provisions regarding the Act. - Amends TCA Title 68, Chapter 221, Part 6. (SB 2364 / HB 2381)
- 1051** Nurses, Nursing - As enacted, changes terminology from "medication aides certified" to "medication aide"; revises training and other requirements for medication aide program. - Amends TCA Title 63, Chapter 7 and Title 68. (SB 2383 / HB 2013)
- 1052** Correction, Dept. of - As enacted, requires that any conduct by an inmate against a correctional officer, guard, jailer, or other full-time employee of a penal institution, local jail, or workhouse, that would constitute an assault under current law be reported by the department to the appropriate district attorney general for prosecution. - Amends TCA Title 39, Chapter 13, Part 1 and Title 41. (SB 2424 / HB 2370) **{See Appendix "B"}**
- 1053** Professions and Occupations - As enacted, enacts the "Right to Earn a Living Act." - Amends TCA Title 4; Title 7; Title 38; Title 62; Title 63 and Title 67. (SB 2469 / HB 2201)
- 1054** Firearms and Ammunition - As enacted, allows the Tennessee POST commission to deny a retired law enforcement officer's application to carry as a law enforcement officer if the retired officer is prohibited from purchasing or possessing a firearm, or obtaining a handgun carry permit, or if the retired officer has certain DUI convictions. - Amends TCA Title 38, Chapter 8, Part 1. (SB 2533 / HB 1532)
- 1055** Taxes, Exemption and Credits - As enacted, establishes a tax credit equal to 33 percent of the value of cash investments made in certain companies by an "angel investor" against the angel investor's Hall income tax liability. - Amends TCA Title 67, Chapter 2. (SB 2539 / HB 1536)
- 1056** Workers Compensation - As enacted, revises various workers' compensation and drug-free workplace provisions. - Amends TCA Title 50, Chapter 6 and Title 50, Chapter 9. (SB 2582 / HB 2416)
- 1057** Courts, Juvenile - As enacted, enacts the "Juvenile Justice Realignment Act"; creates a task force to study new approaches to the administration of juvenile justice. - Amends TCA Title 4; Title 8 and Title 37. (SB 2586 / HB 1960)



- 1058** Education, Dept. of - As enacted, requires the department to develop procedures for identifying characteristics of dyslexia through the universal screening process required by the existing RTI2 framework or other available means; requires every LEA to implement the dyslexia screening procedures; specifies that dyslexia screening may be requested for any student by the student's parent or guardian, teacher, counselor, or school psychologist; creates the dyslexia advisory council. - Amends TCA Title 4, Chapter 29, Part 2 and Title 49. (SB 2635 / HB 2616)
- 1059** Budget Procedures - As enacted, increases from 30 cents to 36 cents per each person in the county the amount that each county must pay to the office of the comptroller to contribute to the expenses of audits; creates historic property land acquisition fund; makes other statutory revisions required for implementation of the annual appropriations act. - Amends Title 4; Title 5; Title 6; Title 8; Title 9; Title 10; Title 11; Title 12; Title 13; Title 16; Title 17; Title 18; Title 29; Title 33; Title 36; Title 37; Title 38; Title 39; Title 40; Title 41; Title 43; Title 45; Title 47; Title 48; Title 49; Title 50; Title 53; Title 54; Title 55; Title 56; Title 57; Title 58; Title 59; Title 60; Title 62; Title 63; Title 64; Title 65; Title 66; Title 67; Title 68; Title 69; Title 70 and Title 71. (SB 2654 / HB 2630)
- 1060** Bond Issues - As enacted, authorizes the state to issue and sell bonds of up to \$87.7 million. (SB 2655 / HB 2631)
- 1061** Handgun Permits - As enacted, permits full-time employees of state public colleges or universities who possess handgun carry permit to carry a handgun while on property owned, operated, or controlled by the employing college or university if certain requirements are met. - Amends TCA Title 39 and Title 49. (SB 2376 / HB 1736) **{See Appendix "E"}**
- 1062** Guardians and Conservators - As enacted, enacts the "Campbell/Falk Act," which establishes the right of certain persons to petition to require a conservator to grant communication, visitation, or other interaction with the respondent. - Amends TCA Title 34, Chapter 1; Title 34, Chapter 3 and Title 71, Chapter 6, Part 1. (SB 2190 / HB 2030)
- 1063** Unemployment Compensation - As enacted, removes the random verification audit requirement; revises certain provisions governing disqualification for benefits and regaining eligibility after sickness, disability, or pregnancy. - Amends TCA Title 50, Chapter 7. (SB 2481 / HB 2512)
- 1064** Taxes, Income - As enacted, reduces Hall income tax from six percent to five percent; expresses legislative intent that the tax be statutorily reduced by one percent annually beginning with the first annual session of the 110th general assembly; eliminates the tax for tax years beginning on or after January 1, 2022. - Amends TCA Title 67, Chapter 2. (SB 47 / HB 813) **{See Appendix "L"}**

- 1065** Taxes, Ad Valorem - As enacted, increases the amount on which property tax reimbursement will be paid from the first \$23,000 to the first \$23,500 for low-income, elderly homeowners and for disabled homeowners; removes the income limitation applicable for tax relief for disabled veteran homeowners. - Amends TCA Title 67, Chapter 5. (SB 1796 / HB 2156) {See Appendix "L"}
- 1066** Public Funds and Financing - As enacted, prohibits the expenditure of state funds by the University of Tennessee to promote the use of gender neutral pronouns, to promote or inhibit the celebration of religious holidays, or to fund or support sex week; specifies that all funds in the budget of the office for diversity and inclusion at UT Knoxville, for fiscal year 2016-2017, be reallocated in the university's budget and used by the university solely for scholarships to be awarded through a minority engineering scholarship program; any such funds that are not used for minority engineering scholarships in fiscal year 2016-2017 will remain in the scholarship program for use in future fiscal years. - Amends TCA Title 9 and Title 49. (HB 2248 / SB 1912)
- 1067** Nuisances - As enacted, permits a court to dismiss or continue a nuisance action if the property owner was unaware of the nuisance prior to receiving notice and has taken steps to abate the nuisance after receiving notice. - Amends TCA Title 29, Chapter 3. (HB 255 / SB 1200)
- 1068** Alcoholic Beverages - As enacted, authorizes a terminal building of a commercial air carrier airport that is a member of the Tennessee Association of Air Carrier Airports to obtain a retail license to sell certain alcoholic beverages; revises certain provisions governing delivery; authorizes the City of Elkton in Giles County to hold a referendum on the sale of wine in retail food stores; revises other provisions governing alcoholic beverages. - Amends TCA Title 57. (HB 301 / SB 844)
- 1069** Election Laws - As enacted, specifies that the chair of the county election commission must be a member of the majority party, and the secretary must be a member of a minority party. - Amends TCA Title 2; Title 4; Title 5; Title 6 and Title 7. (HB 726 / SB 787)
- 1070** Taxes, Exemption and Credits - As enacted, exempts compressed natural gas from sales tax in the same manner that the present law exempts motor fuel and liquified gas from sales tax. - Amends TCA Title 67, Chapter 3 and Title 67, Chapter 6. (HB 879 / SB 799)
- 1071** Forests and Forest Products - As enacted, enacts the "Tennessee Native Species Lumber Act." - Amends TCA Title 5; Title 6; Title 43, Chapter 28, Part 3 and Title 68, Chapter 120. (HB 978 / SB 822)

- 1072** County Government - As enacted, prohibits members of a county legislative body from voting on matters in which they have a conflict of interest; authorizes legislative bodies of any metropolitan and charter form of government to opt out. - Amends TCA Title 2; Title 5; Title 6; Title 7; Title 8 and Title 12. (HB 985 / SB 466)
- 1073** Victims' Rights - As enacted, requires a law enforcement officer, when the officer responds to a report of certain offenses related to domestic violence, to inform the victim of the statewide automated victim information and notification service and to provide certain informational materials, if available. - Amends TCA Title 40, Chapter 38. (HB 1270 / SB 1372)
- 1074** Child Custody and Support - As enacted, requires that any petition regarding child custody include an affirmative statement setting out all applicable adjudications, if the petitioner knows whether a child has ever been adjudicated by a court as a dependent and neglected or abused child or whether any party to the action has ever been adjudicated by a court as the perpetrator of dependency and neglect or abuse of a minor child; authorizes court to order DCS to disclose certain information. - Amends TCA Title 36; Title 37 and Title 68. (HB 1413 / SB 1436)
- 1075** Criminal Procedure - As enacted, requires an officer who arrests a person for a DUI-related offense to exercise, after the arrest but prior to the determination of bail for the arrest, due diligence in determining the existence of prior arrests for, and violations of, DUI-related offenses. - Amends TCA Title 40. (HB 1427 / SB 2576)
- 1076** Children - As enacted, expands the authority of a court to order grandparent visitation when the child is not in the custody of the parent and when the grandparent's relationship has been severely reduced. - Amends TCA Title 36, Chapter 6, Part 3. (HB 1476 / SB 1670)
- 1077** Traffic Safety - As enacted, redesignates, from nonmoving to moving, traffic violations for transmitting or reading written messages on hand-held devices while driving; requires that first offenders for transmitting or reading written messages on hand-held devices while driving attend and complete a driver education course. - Amends TCA Title 55, Chapter 8. (HB 1511 / SB 1589)
- 1078** Remedies and Special Proceedings - As enacted, requires, upon the filing of a suit for partition of real or personal property, the parties to submit the names of three commissioners selected and agreed upon by the parties; specifies that if the parties are unable to agree, the judge will appoint three commissioners. - Amends TCA Title 29, Chapter 27. (HB 1527 / SB 1692)
- 1079** TennCare - As enacted, enacts the "TennCare Omnibus Act of 2016". - Amends TCA Title 4 and Title 71. (HB 1977 / SB 1722)

- 1080** County Government - As enacted, revises certain budgeting procedures for county governments. - Amends TCA Title 5. (HB 2087 / SB 2128)
- 1081** Scholarships and Financial Aid - As enacted, revises the provisions governing eligibility and funding for the community college reconnect grant. - Amends Chapter 363 of the Public Acts of 2015. (HB 2117 / SB 2595)
- 1082** Water Authorities - As enacted, prohibits an authority in Hamilton County from requiring a property owner who leases residential property, the property owner's agent, or a subsequent tenant of the property to pay or to guarantee the payment of charges, penalties, or other fees owed to the authority that were incurred by a former tenant of such property owner or agent; establishes other related requirements. - Amends TCA Title 7; Title 65; Title 66 and Title 68. (HB 2119 / SB 2370)
- 1083** Controlled Substances - As enacted, excludes from the definition of marijuana, cannabis oil containing the substance cannabidiol, with less than 0.6 percent THC, including the necessary seeds and plants, when manufactured, processed, transferred, dispensed, or possessed by certain four-year institutions of higher education in this state as part of clinical research studies on the treatment of intractable seizures, cancer, or other diseases. - Amends TCA Section 39-17-402 and Chapter 936 of the Public Acts of 2014. (HB 2144 / SB 2125)
- 1084** Wildlife Resources Commission - As enacted, specifies that 10 years' experience as a wildlife officer may be substituted for the requirement of a bachelor's degree for a person to qualify for the position of wildlife officer with the wildlife resources agency. - Amends TCA Title 8 and Title 70. (HB 2342 / SB 1463)
- 1085** Taxes, Real Property - As enacted, requires the county mayor of each county, after taking charge of lands bought by the county at delinquent tax sales, to evaluate the property, within 90 to 120 days, and determine whether the value of the property or amount of money the county is likely to receive if the county sold the property exceeds the financial or environmental risks associated with the property; revises related provisions and establishes related requirements. - Amends TCA Title 67, Chapter 5, Part 25. (HB 2343 / SB 1949)
- 1086** Sexual Offenses - As enacted, increases the classification of the offense statutory rape by an authority figure from a Class C felony to a Class B felony; revises certain elements of the offense. - Amends TCA Section 39-13-532. (HB 2399 / SB 2611)
- 1087** Driver Licenses - As enacted, authorizes counties and cities to establish programs allowing indigent persons who have been convicted of driving while their license is suspended or revoked to complete community service in lieu of paying the fine or costs for the conviction;

requires a majority vote of the applicable local legislative body to establish such a program. -  
Amends TCA Title 55. (HB 2530 / SB 2149)

## **APPENDIX “A”**

### **Judicial Selection**

Public Chapter 528 revised the system for the appointment of appellate court judges, consistent with the constitutional amendment ratified by the voters in the 2014 election.

#### **JUDICIAL QUALIFICATIONS**

Under prior law, appellate court judges had similar but slightly different requirements for residency and licensure. Public Chapter 528 made all appellate judges subject to the same residency and licensure requirements, which are that, immediately preceding appointment, the appointee must have been a resident of the state for at least five consecutive years, have been a resident of the grand division from which the judge is appointed for at least one year, and be licensed to practice law in this state.

#### **RETENTION ELECTIONS**

Public Chapter 528 specifies that the judges of the supreme court, the court of appeals, and the court of criminal appeals are to be elected by the qualified voters of the state only in a statewide retention election, rather than being directly elected as in prior law.

#### **APPOINTMENTS**

Under prior law, the governor filled vacancies on the supreme court, court of appeals, and court of criminal appeals by appointing judges to serve. The general assembly was not involved in the process of appointing judges.

Under Public Chapter 528, the governor retains the power to appoint judges to fill vacancies in the appellate courts. However, such appointees are subject to confirmation by the general assembly.

#### **CONFIRMATION**

Public Chapter 528 requires the governor to provide written notice of an appointment of an appellate judge to the chief clerks of the senate and house of representatives immediately upon making the appointment and specify whether the appointment is for a full eight-year term or for the filling of a vacancy. Delivery of the notice begins the 60-day period within which confirmation votes must occur. The chief clerks will notify their respective members and refer the governor's notice to the appropriate standing committee of their respective house.

Public Chapter 528 requires the TBI to perform appropriate financial and criminal background investigations on an appointee and provide the results to the chair of any standing committee to which the notice of appointment is referred. The chair of such committee may conduct a hearing, vote to recommend confirmation or rejection of the appointee, and submit a written report of the action taken to the applicable clerk.

Under Public Chapter 528, confirmation or rejection of the governor's appointee will be voted on at a joint session of the general assembly, with the votes of each house counted and tabulated separately. The governor's appointee will be confirmed if both houses vote to confirm the appointee by a majority of all the members to which each house is entitled and will be rejected if both houses vote to reject the appointee by a majority of all the members to which each house is entitled or if one house votes to reject the appointee by at least two-thirds of all members to which it is entitled. If a vote results in any other outcome, then no action is taken and both houses may vote again to confirm or reject, subject to the 60-day time limit for confirmation votes.

If the general assembly is in its annual legislative session when the appointment is made, then the vote on confirmation must occur within 60 consecutive calendar days immediately following the appointment. If the general assembly is not in its annual legislative session when the appointment is made, then the vote on confirmation must occur within 60 consecutive calendar days beginning on the convening date of the next annual legislative session. If the general assembly fails to reject the appointee within the specified time period as required above, then the appointee will be deemed confirmed on the next calendar day.

Under Public Chapter 528, an appellate judge confirmed under the above provisions will commence service in the office to which the judge was confirmed:

- (1) Upon confirmation, if the judge was confirmed to fill a vacancy for an unexpired term;
- (2) September 1, if the judge is confirmed to a full term prior to the September 1 on which the term begins; or
- (3) Upon confirmation, if the judge is confirmed to a full term after the term has commenced on September 1.

Under Public Chapter 528, if the appointee is rejected by the general assembly or withdrawn by the governor before confirmation occurs due to the running of the 60-day period, then the governor will appoint another person to fill the vacancy. Any appointee who has been rejected is not eligible for reappointment to the same court until the next regular August election occurring at least one year after the appointment.

Public Chapter 528 details when a judge will face a retention election, which is dependent on when the judge was appointed, confirmed, and took office.

## TRIAL COURT VACANCY COMMISSION

Public Chapter 528 created as a part of the judicial branch a trial court vacancy commission that assists the governor in appointing judges to fill a vacancy in the office of a trial court judge. The commission is composed of 11 members as follows:

- (1) Five members appointed by the speaker of the senate, at least three of those appointed must be attorneys;
- (2) Five members appointed by the speaker of the house of representatives, at least three of those appointed must be attorneys; and
- (3) One member who is an attorney must be appointed jointly by the speakers, and who will serve as chair.

Public Chapter 528 established initial term limits for the members to stagger the terms of the newly appointed commission members. The members of the commission must be citizens of the United States, at least 30 years old, and have been a citizen of this state for at least five years immediately prior to appointment. The attorney members must be licensed in this state.

Under Public Chapter 528, the members of the commission may not be salaried office holders in this state and may not hold any office in a political party or political organization. However, Public Chapter 528 exempts from that provision any members of the national guard or reserves, any district attorney general or an employee, any district public defender or an employee, or any employee of the attorney general and reporter. A member who becomes a salaried office holder or accepts an office in a political party or organization vacates the member's office by doing so.

Public Chapter 528 prohibits a member from being a registered employer of a lobbyist or a lobbyist in this state. If the member becomes an employer of a lobbyist or a lobbyist, then the member's office will be vacated.

Public Chapter 528 provided that the terms of the members will be six years, except for the staggered initial appointments, and began on February 1, 2016. Members are not compensated, but will be reimbursed for travel expenses.

After February 1, 2016, when a vacancy occurs in the office of a judge of a state trial court, the governor will fill the vacancy by appointing one of the three persons the trial court vacancy commission nominates. The governor may require the commission to submit one other panel of three additional nominees. Within 60 days following receipt of the additional panel, the governor must fill the vacancy by appointing any one of the six nominees. The term of a judge so appointed will expire on August 31 after the next regular August election occurring more than 30 days after the vacancy occurs. In that election, the qualified voters of the district will elect a candidate to fill the remainder of the unexpired term or a complete term.

Public Chapter 528 provides that if the commission does not furnish the list of nominees to the governor within 60 days of the notice of vacancy, the governor may fill the vacancy by appointing anyone who is qualified. The term of a judge so appointed will expire on August 31 after the next regular August election occurring more than 30 days after the vacancy occurs.

Public Chapter 528 requires the commission to hold a public meeting in the judicial district where the vacancy will be filled, after which the commission may hold additional interviews with the candidates. All hearings, interviews, and deliberations will be open to the public, except for the commission's deliberations immediately following the interviews and, when selecting nominees, the members will vote anonymously by written ballots. Public Chapter 528 requires a majority of those present and voting to decide questions.

Public Chapter 528 requires all persons nominated by the commission to be licensed attorneys and fully qualified under the laws of the state to fill the office.

Public Chapter 528 requires an application for a position of trial judge to contain an authorization form, signed by the applicant, permitting the commission to request from the board of judicial conduct and the board of professional responsibility information on the person applying to fill a trial court vacancy. If an applicant signs the authorization form, upon request of the commission, the board of judicial conduct and the board of professional responsibility are required to



furnish the commission with all information, records, files, or other documents, whether in an electronic format or written form, that the board maintains on a person who applies to be a candidate to fill a trial court vacancy.

As soon as practicable, and no later than 60 days from receipt of written notice from the governor that a vacancy has occurred, the commission, with the assent of six or more members, must select three persons whom the commission deems best qualified and available to fill the vacancy, and shall certify the names of the three persons to the governor as nominees for the trial court vacancy. However, if the commission is reliably informed that a vacancy is impending for any other reason, then the commission may meet, select such persons, and certify the names of the nominees to the governor prior to actual receipt of written notice from the governor that a vacancy has occurred.

If the judicial district is one of the five smallest judicial districts according to the 2010 federal census or any subsequent federal census, the commission may submit two names to the governor, although the governor may require the commission to submit one other panel of two additional nominees.

After receiving the commission's panel or panels of nominees, but prior to making an appointment, Public Chapter 528 requires the governor to direct the TBI or other appropriate agencies to perform appropriate financial and criminal background investigations and inquiries of the prospective appointees, and the governor must review and assess the results of the background investigations and inquiries.

Public Chapter 528 requires the administrative office of the courts to keep and maintain the commission's records and furnish the commission with any other secretarial or clerical services or assistance it may require.

## OTHER PROVISIONS

Public Chapter 528 deleted from the code all of the obsolete language regarding the judicial nomination and judicial performance evaluation committees.

Public Chapter 528 retained the existing law governing retention elections for appellate judges, with minor revisions necessary to account for the confirmation process.

Public Chapter 528 took effect on January 28, 2016.

## **APPENDIX "B"**

### **Miscellaneous**

The One Hundred and Ninth General Assembly addressed various issues of significance during its 2016 Session. Among the more noteworthy pieces of legislation that were passed or adopted were House Joint Resolution 70 concerning illegal immigration, House Joint Resolution 529 responding to the United States Supreme Court's holding in *Obergefell v. Hodges*, various legislation conferring official state designations, and Public Chapter 1052 concerning assault against correctional officers.

### **Illegal Immigration**

House Joint Resolution 70 urges the President of the United States of America and Congress to:

- (1) Resolve the issue of illegal immigration in a timely and efficient manner;
- (2) Pass a comprehensive immigration policy that allows those wishing to immigrate to this country to do so only in a lawful manner, and to ensure that American society is not threatened by a decline in public safety, educational standards, medical accessibility, and the overall standard of living resulting from those who knowingly choose to enter this country illegally;
- (3) Include in any comprehensive immigration policy a revision to existing federal law that would favor U.S. citizens and lawful residents in receiving benefits such as health care, education, and any other government benefits before offering any benefits to those individuals entering this country illegally; and
- (4) Incorporate into any comprehensive immigration policy a system in which the several states may be fully compensated by the federal government for any financial burdens that result from decisions made in Washington, D.C., with regard to illegal immigrants.

### **Definition of Marriage**

In House Joint Resolution 529, the One Hundred and Ninth General Assembly expressed its strong disagreement with the decision of a majority of the United States Supreme Court in *Obergefell v. Hodges*, which declared Article XI, Section 18 of the Constitution of the State of Tennessee to be unconstitutional, holding that same-sex couples have a fundamental right to marry.

### **Official Designations**

The One Hundred and Ninth General Assembly designated an official state rifle, a state symbol, and a veterans poem. Effective March 2, 2016, Public Chapter 534 designated the state flag's center emblem of a blue circle with three white five-pointed stars as the official state symbol. House Joint Resolution 231 designated the Barrett Model M82/M107 as the official state rifle. House Joint Resolution 248 designated "Echoes from a Soldier's Grave", by Sergeant First Class Ernest E. Sharp, as an official veterans poem of Tennessee.

### **Assault Against Correctional Officers**

Under current law:

(1) Depending on the circumstances, assault is a Class A or a Class B misdemeanor. Under present law, notwithstanding the statutorily mandated limits on the amount of the fine that may be imposed for a Class A or Class B misdemeanor, if the offense is committed against a law enforcement officer or a healthcare provider acting in the discharge of the provider's duty, then the maximum fine is \$5,000; and

(2) Under present law, depending on the circumstances, aggravated assault is a Class C or Class D felony or a Class A misdemeanor. Notwithstanding the statutory limits on the fines for a Class A misdemeanor, Class D felony, and Class C felony, under present law the maximum fine is \$15,000 for an offense committed against any of the following persons who are discharging or attempting to discharge their official duties: a law enforcement officer; firefighter; medical fire responder; paramedic; emergency medical technician; healthcare provider; or any other first responder.

Public Chapter 1052 adds that any conduct by an inmate against a correctional officer, guard, jailer, or other full-time employee of a penal institution, local jail, or workhouse, that would constitute an assault under present law (i.e., intentionally, knowingly, or recklessly causing bodily injury to another) must be reported by the department of correction to the appropriate district attorney general for prosecution.

Public Chapter 1052 took effect on April 28, 2016.

## APPENDIX "C"

### Election Law

In 2016, the One Hundred and Ninth General Assembly passed several pieces of legislation concerning elections, including, but not limited to: Public Chapter 579 concerning summaries of proposed constitutional amendments; Public Chapter 936 concerning online voter registration; and Public Chapter 954 concerning reapportionment.

#### Public Chapter 579

Under current law, if a question that is placed on the ballot for the vote of the people is more than 300 words in length, the question must be preceded by a brief summary of the proposal written in plain language by the attorney general and reporter. Public Chapter 579 adds that, if the question is a state constitutional amendment, the question must be preceded by a summary regardless of the length of the question.

Public Chapter 579 took effect on March 10, 2016.

#### Public Chapter 936

Public Chapter 936 requires the coordinator of elections to establish a web site which permits an applicant to:

- (1) Submit a voter registration application, including first-time voter registration applications and updates to current voter registration records;
- (2) Submit information necessary to establish an applicant's eligibility to vote; and
- (3) Swear or affirm to the oath required on the registration form.

The online voter registration system must use a unique identifier for each applicant to prevent unauthorized persons from altering a voter's registration information. Any unique identifier will be confidential and not subject to the open records law.

The online voter registration system will include a mechanism for confirming that an applicant has a matching record with the department of safety. If the online voter registration system identifies a matching record for the applicant with the department, then the applicant may complete the online voter registration form and electronically submit the form. If the applicant's name and date of birth or other identifying information provided by the applicant cannot be verified by comparing the department's records, or if the applicant indicates that the applicant has not been issued a Tennessee driver license or Tennessee identification card, the online voter registration system may direct the applicant to complete, print, sign, and date the application and mail the application to the county election commission office in the applicant's county of residence to be processed.

Public Chapter 936 authorizes the department of safety and the coordinator of elections to retrieve the data applicable to the applicant's matching record and transmit such data to the automated electoral system maintained by the coordinator, along with the digital signature of the applicant on file with the department of safety. The applicant's digital signature on file with the department will

satisfy the signature requirement for purposes of registering to vote or updating an existing voter registration record.

Public Chapter 936 authorizes the coordinator of elections to promulgate policies or rules to effectuate the online registration system, including, but not limited to, entering into agreements with the commissioner of the department of safety.

Public Chapter 936 takes effect on July 1, 2016, and requires that the online registration be available for public use by July 1, 2017.

#### Public Chapter 954

Under current law, a person does not gain residence in a county for voter registration purposes by virtue of being confined in a public prison in that county. Under Public Chapter 954, when a reapportionment is made, residents of a correctional institution who cannot by law register in the county as voters may be excluded from any consideration of representation.

Public Chapter 954 took effect on April 27, 2016.

## **APPENDIX "D"**

### **Preemption of Certain Local Regulation**

During its 2016 regular legislative session, the One Hundred and Ninth General Assembly passed three bills that cover the field of regulation with regard to certain aspects of employment law and rent control. Public Chapter 587 prohibits some "local hire" requirements. Public Chapter 606 prohibits local "ban the box" requirements for private employers. Public Chapter 822 prohibits local zoning regulations that require the allocation of a percentage of existing or newly constructed private residential or commercial rental units for long-term retention as affordable or workforce housing.

#### **Public Chapter 587**

Public Chapter 587 prohibits the state or any local government from requiring a company bidding or contracting to provide services on a public construction project to employ individuals who reside within the jurisdiction of the state or local government, or who are within a specific income range, unless otherwise required by federal law. Public Chapter 587 defines "public construction project" to mean any construction project wherein state or local government funds may be appropriated or expended for the purpose of erecting, remodeling, altering, repairing, demolishing, or making any addition to any building; or any construction project for the purpose of building, rebuilding, locating, relocating, or repairing any street, highway, or bridge.

Public Chapter 587 took effect on March 10, 2016.

#### **Public Chapter 606**

Public Chapter 606 specifies that a local government is not allowed to prohibit, as a condition of doing business within the jurisdictional boundaries of the local government or contracting with the local government, an employer from requesting any information on an application for employment or during the process of hiring a new employee, unless otherwise allowed by state or federal law. Public Chapter 606 does not apply with respect to employees of a local government.

Public Chapter 606 took effect on March 17, 2016.

#### **Public Chapter 822**

Public Chapter 822 prohibits a local governmental unit from enacting zoning regulations that require the allocation of a percentage of existing or newly constructed private residential or commercial rental units for long-term retention as affordable or workforce housing. The prohibition imposed by Public Chapter 822 applies to all current and future zoning regulations.

Public Chapter 822 does not affect local governmental unit's authority to create or implement an incentive-based program designed to increase the construction and rehabilitation of moderate or lower-cost private residential or commercial rental units.

Public Chapter 822 took effect on April 21, 2016.

## **APPENDIX "E"**

### **Campus Safety**

In 2016, the One Hundred and Ninth General Assembly passed a trio of bills that pertain to possession of firearms while on the premises of an educational institution. Public Chapter 698 authorizes the board or governing entity, or the chief administrative officer, of a private K-12 school or private institution of higher education to implement a policy that either allows or prohibits the carrying of a handgun on the grounds or buildings of a private K-12 school or private university by handgun carry permit holders. Public Chapter 1061 authorizes full-time employees of state public colleges or universities who possess a handgun carry permit to carry a handgun while on property owned, operated, or controlled by their employing institution, subject to meeting certain requirements. Public Chapter 1049 authorizes local boards of education in Pickett and Wayne counties to adopt a policy allowing the director of schools, in consultation with the principal of each school, to authorize and select employees who may carry a concealed handgun within and on the grounds of the school to which the person is assigned.

### **Private Educational Institutions**

Public Chapter 698 authorizes the board or governing entity of every private K-12 school and every private institution of higher education to establish a handgun carry policy. If the school or institution does not have a board or governing entity, then the chief administrative officer may establish the policy.

The policies for a K-12 school will be for any property on which the school is located that is owned or operated by the school and for any building or structure located on the school property. Policies for an institution of higher education will be for the campus and grounds of any property owned or operated by the institution, and any building or structure located on property owned or operated by the institution.

The policy may prohibit the carrying or possession of a handgun on the property or in a building or structure of the school or university, or permit the carrying of handguns by persons qualified under Public Chapter 698 either on all property and in all buildings or structures of the school or university or only in certain areas on the property or in certain buildings.

If the policy permits the possession of handguns, Public Chapter 698 requires that the policy limit possession to Tennessee handgun permit holders who aren't otherwise prohibited from possessing a handgun. Private schools and universities that permit the possession of handguns on their property are not required to post signs to provide notice that carrying firearms on school property is a felony offense.

Under Public Chapter 698, the handgun carry policy must be reduced to writing, be made available to the public in the principal's office if applicable, and disseminated in a manner likely to ensure that it is known by students, the parent or guardian of each student, the faculty and other employees, and others who may go upon the grounds or enter a building on property owned or operated by the school. Additionally, the chief administrative officer must submit a copy of any such adopted policy to the sheriff's department and, if applicable, to the police department with jurisdiction

over the school or institution. The policy will go into effect 30 days after it is announced by the chief administrative officer and disseminated to the students and parents.

Generally under current law, it is an offense to carry a weapon on school property. The prohibitions and penalties for a violation under present law will not apply to persons permitted under Public Chapter 698 to carry a handgun on the property of private K-12 schools and private institutions of higher education. If a policy for carrying is not adopted, then the carrying or possession for a firearm will be prohibited in accordance with present law.

The exemption to the current prohibition on carrying a weapon on school property for persons authorized by Public Chapter 698 to carry in accordance with a policy adopted by a private school or institution will only apply to the school or institution where the person is located, while such person is on the property or grounds covered by the policy, and when the person is otherwise in compliance with the policy.

Public Chapter 698 took effect on April 6, 2016.

#### Public Higher Education Institutions

Under current law, subject to certain exceptions, it is:

(1) A Class E felony offense for any person to possess or carry with the intent to go armed, any firearm, explosive, explosive weapon, bowie knife, hawk bill knife, ice pick, dagger, slingshot, leaded cane, switchblade knife, blackjack, knuckles, or any other weapon of like kind, not used solely for instructional or school-sanctioned ceremonial purposes, in any public or private school building or bus, on any public or private school campus, grounds, recreation area, athletic field, or any other property owned, operated, or while in use by any board of education, school, college, or university board of trustees, regents, or directors for the administration of any public or private educational institution; and

(2) A Class B misdemeanor offense for any person to possess or carry any firearm, not used solely for instructional or school-sanctioned ceremonial purposes, in any public or private school building or bus, on any public or private school campus, grounds, recreation area, athletic field, or any other property owned, operated, or while in use by any board of education, school, college, or university board of trustees, regents, or directors for the administration of any public or private educational institution.

Current law specifies eight classes of persons who are exempt from (1) and (2), most of which apply to public safety officials and one of which applies to handgun permit holders in recreation areas where school events are occurring, and specifies one additional exemption from (2) for nonstudent adults who keep a firearm in their vehicle.

Public Chapter 1061 adds the following exemptions to (1) and (2) for full-time employees of public higher education institutions:

(a) Employees of public higher education institutions who have a handgun permit will be authorized to carry a handgun on property owned, operated, or controlled by the institution that employs the employee. Any employee of a public higher education institution who elects to carry a handgun pursuant to Public Chapter 1061 must provide written notification to the law enforcement agency with jurisdiction over the property owned, operated, or controlled by the employing



institution. The employee's name and any other information that might identify the employee as a person who has elected to carry a handgun on institution grounds will be confidential; provided, that a law enforcement agency may disclose the name and other information contained in an employee's notice of carrying a handgun to an administrative officer of the institution who is responsible for school facility security and who is not the employee's immediate supervisor or a supervisor responsible for evaluation of the employee. An administrative officer to whom such information is disclosed will be prohibited from disclosing the information to another person. Public Chapter 1061 authorizes law enforcement agencies to develop and implement policies and procedures designed to implement the notification and confidentiality requirements of Public Chapter 1061 and a voluntary course or courses of special or supplemental firearm training to be offered to the employees electing to carry a handgun on the institution's grounds. Unless carrying a handgun is a requirement of the employee's job description, the carrying of a handgun pursuant to Public Chapter 1061 is a personal choice of the employee and not a requirement of the employer. Consequently, an employee who carries a handgun on property owned, operated, or controlled by the public institution of higher education at which the employee is employed will be responsible for their own conduct and any damage that the employee causes. The full text of Public Chapter 1061 specifies certain locations and situations where an employee will not be permitted to carry a handgun, including a prohibition against carrying in a manner where the firearm is visible to ordinary observation. Public Chapter 1061 further specifies that a public institution of higher education shall be absolutely immune from claims for monetary damages arising solely from or related to an employee of that institution's use of or failure to use a handgun; provided, that the employee is employed by the institution against whom the claim is filed and the employee elects to carry the handgun pursuant to the authorization provided by Public Chapter 1061;

(b) Employees of the University of Tennessee institute of agriculture or a college or department of agriculture at a campus in the University of Tennessee system when in the discharge of the employee's official duties and with prior authorization from the chancellor of the University of Tennessee institute of agriculture;

(c) Employees of the University of Tennessee institute of agriculture or a college or department of agriculture at a campus in the University of Tennessee system, and any member of the employee's household, living in a residence owned, used, or operated by the University of Tennessee, if the employee has prior authorization from the chancellor of the University of Tennessee institute of agriculture and the employee and household members are permitted to possess firearms in their residence under Tennessee and federal law;

(d) Any employee of the university's college or department of agriculture when in the discharge of the employee's official duties and with prior authorization from the president of a university in the board of regents system;

(e) Any employee of the university's college or department of agriculture, and any member of the employee's household, living in a residence owned, used, or operated by the university, if the employee has prior authorization from the president of a university in the board of regents system and the employee and household members are permitted to possess firearms in their residence under Tennessee and federal law; and

(f) Any employee, with prior authorization of the president of a university in the board of regents system, who is engaged in wildlife biology or ecology research and education for the purpose of capture or collection of specimens.

Public Chapter 1061 takes effect on July 1, 2016.

#### Distressed Rural Counties

Generally under current law:

(1) Certain members of the military, civil, or law enforcement officers, or private police or security guards may carry and possess weapons on school property when in discharge of their official duties; and

(2) A person employed by an LEA as a faculty or staff member at a school within the LEA, or a person assigned to a school in accordance with a memorandum of understanding between the chief of the appropriate law enforcement agency and the LEA, may possess and carry a firearm on the grounds of the school at which they are assigned, if such person:

(A) Possesses a handgun carry permit; and

(B) Has the joint written authorization of the director of schools in conjunction with the principal of the school to carry or possess a firearm on school property; and

(C) Is a law enforcement officer, or has prior service as a law enforcement officer who is in compliance with all laws, rules, and regulations of the peace officer standards and training (POST) commission, and who has successfully completed 40 hours in basic training in school policing.

Public Chapter 1049 adds that, in addition to persons authorized to possess a firearm on school property pursuant to (1) or (2) above or pursuant to any other law, the local boards of education in Pickett and Wayne counties (each included in the definition of "distressed rural county") to adopt a policy allowing the director of schools, in consultation with the principal of each school, to authorize and select full-time employees who may carry a concealed handgun within and on the grounds of the school to which the person is assigned.

If the director of schools authorizes one or more employees to carry a concealed handgun as provided by Public Chapter 1049, the maximum number of employees that may be authorized is one employee for each 100 students enrolled in the school.

Public Chapter 1049 prohibits discipline or other adverse employment consequences based on an employee's failure to volunteer to be trained to carry a concealed handgun pursuant to Public Chapter 1049.

To qualify for selection by the director of schools to carry a concealed handgun pursuant to Public Chapter 1049, an employee must:

(1) Possess and maintain a valid handgun carry permit;

(2) Not be prohibited from carrying a firearm under state or federal law;

(3) Have successfully completed at least 40 hours of handgun instruction administered and taught by a local law enforcement agency whose lesson plans and curriculum have been approved by the POST commission; and

(4) Annually complete at least 16 hours of continuing handgun instruction approved by the POST commission and administered and taught by a local law enforcement agency.

The full text of Public Chapter 1049 specifies what the training under (3) and (4) above must include.

Public Chapter 1049 requires that:

(1) Within 10 days after the director of schools has authorized an employee to carry or possess a concealed handgun on school property, the director must notify the chief of the appropriate

local law enforcement agency of each such authorization. The notifications and lists compiled therefrom are confidential; and

(2) Each employee authorized by the director of schools to carry a concealed handgun at an interscholastic athletic event pursuant to Public Chapter 1049, other than a law enforcement officer, shall wear appropriate insignia or clothing that clearly identifies the employee as a school security officer or otherwise as being in lawful and authorized possession of a handgun.

The authorization to carry will expire if the employee's carry permit expires, is suspended, or is revoked or if the employee is terminated. Also, the board of education and director of schools may revoke an employee's authorization to carry designated pursuant to Public Chapter 1049.

Any costs incurred to meet the above requirements and the cost of the handgun and ammunition the employee will be using will be at the employee's expense. Public Chapter 1049 specifies that the LEA will assume no financial responsibility for a firearm possessed by a person pursuant to Public Chapter 1049, but that Public Chapter 1049 does not prohibit an LEA from paying a portion or all of the costs associated with the required training or handgun carry permit fees.

Public Chapter 1049 takes effect on July 1, 2016.

## **APPENDIX "F"**

### **Reorganization of State University Administration**

Public Chapter 869 revises provisions governing the structure and management of state higher education institutions that are part of the state university and community college system; revises provisions governing the Tennessee higher education commission (THEC); and makes other revisions regarding higher education in this state, all as discussed below.

#### **GOVERNANCE OF STATE UNIVERSITIES**

Under current law, the state university and community college system is composed of state universities, community colleges, and state colleges of applied technology. The government, management, and control of the state university and community college system are vested in a board of regents. Public Chapter 869 transfers government, management, and control of the state universities from the board of regents to each individual institution's respective state university board of trustees (discussed below), subject to certain powers and duties maintained by THEC. The board of regents will maintain control over the state community colleges and state colleges of applied technology under Public Chapter 869, subject to certain powers and duties assigned to THEC.

Public Chapter 869 provides that during a transition period commencing July 1, 2016, and ending November 30, 2017, the board of regents will maintain performance of the following functions on behalf of the state university boards: data systems, capital project planning and management, and procurement. By November 30, 2017, THEC will solicit and receive requests from the state university boards to assume the performance of these functions. THEC will approve or deny a state university board's request to assume these functions. A state university board will not be permitted to assume the performance of these functions until November 30, 2017. If the board of regents continues to perform the functions related to data systems, capital project planning and management, and procurement after the transition period has concluded, a state university board is not precluded from requesting to assume the performance of these functions at any time after November 30, 2017.

Public Chapter 869 establishes the requirements for each state university board. Under Public Chapter 869, each state university board will consist of 10 members of which nine members will be voting members and one member will be a nonvoting member. The nonvoting member will be a student representative. Of the voting members, at least six members must be residents of this state.

Eight of the voting state university board members will be appointed by the governor, subject to confirmation by the general assembly. At least three of the members appointed by the governor must be alumni. One board member will be a faculty member of the institution selected in a manner determined by the faculty senate of the respective institution. The nonvoting student member will be appointed by the state university board.

Public Chapter 869 establishes the initial, staggered terms for the members. After the initial, staggered terms, terms will be six years, except that the faculty member will serve a term of two years and the nonvoting student member will serve a term of one year. The following individuals are prohibited from serving as a member of a state university board for so long as they hold the office or position: employees of any public institution of higher education, except those faculty members

appointed to the board pursuant to Public Chapter 869; elected or appointed officials; state employees; and members of a governing body for any institution of higher education.

Public Chapter 869 requires all members of a state university board to participate in an orientation training program, as well as an ongoing continuing education program, coordinated and administered by THEC. This training must include a perspective on higher education that incorporates national experts in higher education governance. This training must also address the roles and responsibilities of governing boards; the legal and ethical responsibilities of trustees; the board's role in upholding academic standards, intellectual diversity, and academic freedom; budget development; presidential searches and evaluation; the role of higher education in K-12 collaboration; and setting strategic goals. Initial training must be conducted prior to the first called meeting of the board. In subsequent years, all newly appointed members must attend orientation seminars within their first year of service.

Public Chapter 869 specifies that the state university boards will assume responsibility for their respective institutions after all appointments to the board have been made and the governor calls the board's first meeting.

Public Chapter 869 specifies that to the extent that the policies and guidelines adopted by the board of regents as of July 1, 2016, are applicable to the state university boards and their respective institutions, such policies will be deemed the policies and guidelines of the state university boards and their respective institutions until rescinded or revised by the respective state university boards. Public Chapter 869 also requires the boards to adopt a policy that facilitates ongoing professional development for members.

Each board will elect from its members a chair and other officers the board deems appropriate. The chair will serve a term of two years. Each board will adopt by-laws and rules for the organization and conduct of its business. Board members will not receive compensation for their services, but will be entitled to reimbursement for travel expenses incurred in the performance of their official duties.

Public Chapter 869 establishes other requirements for the boards and the conducting of board meetings, including the requirement that meetings of the boards be made available for viewing by the public over the Internet by streaming video accessible from the respective institution's web site. Public Chapter 869 delineates the powers that each board will have with respect to the institution that it governs. Public Chapter 869 specifies that the boards will manage and initiate capital and real estate transactions; provided, that such transactions are within the scope of a master plan approved by THEC.

Each board will approve the operating budget and set the fiscal policy for the university that it governs, but the board of regents will have authority over, and must give final approval to, the operating budget of each university. Public Chapter 869 specifies that the authority the board of regents will have over each school's operating budget is to ensure the ability to satisfy the contractual obligation of the state school bond authority and obligations to bondholders. The board of regents will retain all powers and duties with respect to projects necessary for the board to fulfill its covenants, representations, agreements, and obligations.

The title of the property held on behalf of the state universities by the board of regents will be transferred to the respective state university board upon assumption of responsibility no later than June 30, 2017.

## COMPOSITION OF THEC

### Present Law

Under present law, the commission consists of 10 voting members appointed by the governor. The comptroller of the treasury, the secretary of state, and the state treasurer serve as ex officio, voting members of the commission. The executive director of the state board of education serves as an ex officio, nonvoting member of the commission. In addition, the governor appoints two student members. One student member is a voting member and one student member is an ex officio, nonvoting member. Present law establishes a schedule whereby the voting student membership is rotated between the student representing the University of Tennessee system and the student representing the board of regents system, so that a student member serve one year as a nonvoting, ex officio member before becoming a voting member, and that the voting position rotate between representatives of the two systems.

Membership is for a six-year term. In making appointments to the commission, the governor must strive to ensure that at least one person appointed to the commission is 60 years of age or older and that at least one person appointed to the commission is a member of a racial minority. Present law requires that the female membership of the commission reflect the percentage of females in the population generally. Each congressional district in the state must be represented by at least one member of the commission.

Members are eligible for reappointment. At least one third of the appointive members must be members of the principal minority political party in the state. Additionally, at least one of the appointive members must be a member of the principal racial minority in the state.

The place of any member on the commission must be vacated at such time as the member ceases to reside in the congressional district in which the member resided at the time of appointment; however, no incumbent member is removed from the member's seat prior to the expiration of the member's current term as a result of changes in congressional districts occasioned by a reapportionment.

The governor appoints one student member from a list of three nominees by the presidents of the student government associations and associated student bodies of all technical schools, colleges and universities in the state university and community college system. Present law establishes the procedures for selecting the list of nominees, including having nominees that represent two-year and four-year schools.

### Public Chapter 869

Public Chapter 869 revises the above provisions so that the speakers of the house and senate will appoint some of the voting members of the commission. Under Public Chapter 869, the commission will consist of a total of 10 appointed voting members: the governor will appoint six voting members, the speaker of the senate will appoint one voting member, the speaker of the house will appoint one voting member, and the speakers will jointly appoint one voting member. Public

Chapter 869 also requires representation from the grand divisions instead of the congressional districts (discussed below).

To transition from appointment of all members by the governor to appointment of members by the governor, the speaker of the senate, and the speaker of the house, when the first vacancy occurs or the first term expires after July 1, 2016, the speaker of the senate will appoint the member to fill the vacancy. When the second vacancy occurs or the next term expires, the speaker of the house will appoint the member to fill the vacancy. When the third vacancy occurs or the next term expires, the speaker of the senate and the speaker of the house will jointly appoint the member to fill the vacancy.

As the governor, speaker of the senate, and speaker of the house appoint voting members, other than the student members, the governor, the speaker of the senate, and the speaker of the house will appoint the voting members so that the three grand divisions of the state are represented equally. No member of the commission serving on July 1, 2016, will have the member's term cut short because of this requirement.

When the nine voting members, other than the student member, have been appointed so that the three grand divisions are represented equally, the appointing authorities, in filling vacancies, must subsequently appoint a person from the grand division in which the member who previously filled the position resided.

Public Chapter 869 requires the appointing authorities to strive to appoint members to the commission in a manner that is representative of the diversity of the citizens of the state.

Public Chapter 869 revises the process for selecting nominees for the student positions to clarify that nominees will be from a state university, community college, and college of applied technology. Public Chapter 869 makes it the responsibility of the executive director of THEC, instead of the chancellor of the board of regents, to notify all student government association and associated student body presidents in the state university and community college system of the necessity for the nominating procedure.

## OTHER PROVISIONS

### Public Chapter 869:

- (1) Requires all institutions in the state university and community college system and all institutions governed by the UT board of trustees to annually submit to THEC a mission statement;
- (2) Clarifies that references in the code to students attending a state university "without tuition" means that such students may attend at in-state rates instead of paying out-of-state tuition;
- (3) Deletes the prohibition against requiring a person to take a pledge or oath before entering any public school or university;
- (4) Specifies that public higher education institutions may maintain a teacher training school for grades pre-kindergarten through 12, instead of grades one through 12;
- (5) Transfers from the state university and community college system to THEC the authority to determine when degree-granting institutions of higher learning have attained the status of a university;
- (6) Revises the requirements for the at-large appointees to the board of regents. Under present law, 12 public members are appointed to the board of regents, with one each from the nine

congressional districts and three at-large from different geographical areas of the state. Under Public Chapter 869, the at-large appointments may be either residents from different geographical areas of the state or non-state residents;

(7) Requires each institution in the state university and community college system to provide data to THEC for information, assessment, and accountability purposes, to be used in a statewide data system that facilitates the public policy agenda developed by THEC, and to make an annual report on any academic program terminations to the senate education committee and house education administration and planning committee, with a copy of that report being filed with THEC. Any data system employed for student information must be interoperable with the statewide student information system used by the board of regents and the higher education commission;

(8) Specifies that THEC will establish and ensure that all postsecondary institutions in this state cooperatively provide for an integrated system of postsecondary education. Public Chapter 869 requires THEC to guard against inappropriate and unnecessary conflict and duplication by promoting transferability of credits and easy access of information among institutions. Public Chapter 869 also requires THEC to: provide planning and policy leadership, including a distinct and visible role in setting the state's higher education policy agenda and serving as an agent of education transformation; develop and advance the education public policy agenda of the state to address the challenges facing higher education in Tennessee; and develop public consensus and awareness for the Tennessee higher education public policy agenda;

(9) Adds each president from a state university in the state university and community college system to the THEC funding formula committee. Public Chapter 869 makes other revisions in regard to the funding formula, and requires THEC to develop a comprehensive strategic financial plan;

(10) Requires THEC to approve annually a tuition and fee policy binding upon all state institutions of higher education. The policy will apply only to tuition and fees for students classified as state residents, and will include two approved ranges of allowable percentage adjustment, one for any proposed modification to the current tuition rates and one for any proposed modification to the combined total amount of tuition and all mandatory fees assessed. No change in tuition or fee policy may be made that, in the opinion of the board of regents, might adversely affect compliance with, or future borrowings pursuant to, financing agreements with the state school bond authority;

(11) Requires THEC to establish a formal process for identifying capital investment needs and determining priorities for these investments for consideration by the governor and legislature;

(12) Authorizes THEC to convene the membership, leaders, and personnel of each public institution, governing board, or system to ensure a cohesive and coordinated system of higher education public policy;

(13) Directs the governing boards of state universities to adopt and implement transfer pathway policies in the same manner that the UT board of trustees and the board of regents are required to adopt such policies under present law;

(14) Adds THEC's executive director to the review of state legislative funding requests for public higher education, in addition to those provided for in present law, which are the chancellor of the board of regents and president of the UT system;

(15) Clarifies that the membership of the UT board of trustees includes one nonresident member;

(16) Requires the state university boards and their respective institutions to continue to be participating employers in TCRS and utilize such claims administration services, risk management programs, investment funds and trusts, and retirement and deferred compensation programs, or any successor programs and services in the same fields, as are provided or administered by the department of treasury to any of the state universities on July 1, 2016, until the effective date of any subsequent legislation authorizing procurement from another provider;



- (17) Specifies that TSU will continue to be recognized as a federally designated historically black college and university; and
- (18) Adds the state university boards to the list of state governmental entities exempt from procurements and contracts.

Public Chapter 869 takes effect on July 1, 2016.

## **APPENDIX "G"**

### **Counseling Services**

Public Chapter 926 provides immunity from liability for counselors and therapists who refuse to counsel a client as to goals, outcomes, or behaviors that conflict with the sincerely held principles of the counselor or therapist.

Under Public Chapter 926, refusal to provide such counseling or therapy services cannot be the basis for:

- (1) A civil cause of action;
- (2) Criminal prosecution; or
- (3) Disciplinary action by the board for professional counselors, marital and family therapists and clinical pastoral therapists based on a violation of A.11.b of the 2014 American Counseling Association Code of Ethics, or any similar or successor provision.

Counselors or therapists refusing to provide counseling or therapy under Public Chapter 926 must coordinate a referral of the client to another counselor or therapist who will provide the service.

Additionally, the immunity conferred by Public Chapter 926 will not apply in situations where the individual seeking or undergoing counseling is in imminent danger of harming themselves or others.

Public Chapter 926 took effect on April 27, 2016.

## **APPENDIX "H"**

### **Care Cottages**

Public Chapter 992 authorizes that zoning ordinances may consider as a permitted accessory use in any single-family residential zoning district on lots zoned for single-family detached dwellings, any temporary family healthcare structures that are:

- (1) For use by a caregiver in providing care for a mentally or physically impaired person; and
- (2) On property owned or occupied by the caregiver as their residence.

Under Public Chapter 992, temporary family healthcare structures may not be subjected to any local requirements beyond those imposed upon other authorized accessory dwelling structures. Temporary family healthcare structures must comply with all setback requirements that apply to the primary structure and with any maximum floor area ratio limitations that may apply to the primary structure. Only one temporary family healthcare structure will be allowed on a lot or parcel of land.

Public Chapter 992 requires any person proposing to install a temporary family healthcare structure to first obtain a permit from the local governing body, for which the local government may charge a fee of up to \$100. The local government may not withhold such permit if the applicant provides sufficient proof of compliance with Public Chapter 992. The local government may require that the applicant provide evidence of compliance with Public Chapter 992 on an annual basis as long as the temporary family healthcare structure remains on the property. This evidence may involve the inspection by the locality of the temporary family healthcare structure at reasonable times convenient to the caregiver, not limited to any annual compliance confirmation.

A temporary family healthcare structure installed pursuant to Public Chapter 992 must comply with any local codes and ordinances to connect to any water, sewer, and electric utilities that are serving the primary residence on the property and must comply with all applicable requirements of the department of health. No signage advertising or otherwise promoting the existence of the structure will be permitted either on the exterior of the temporary family healthcare structure or elsewhere on the property.

Any temporary family healthcare structure installed pursuant to Public Chapter 992 must be removed within 30 days from which the mentally or physically impaired person is no longer receiving or is no longer in need of the assistance provided for in Public Chapter 992. Public Chapter 992 authorizes local governments to fine property owners up to \$50.00 per day for failure to remove a temporary family healthcare structure within 30 days after it is no longer needed. The local governing body, or planning commission on its behalf, may revoke the permit granted if the permit holder violates Public Chapter 992. Additionally, the local governing body may seek injunctive relief or other appropriate actions or proceedings in the circuit court of that locality to ensure compliance with Public Chapter 992. Public Chapter 992 vests the local codes department or planning commission with all necessary authority on behalf of the governing body of the locality to ensure compliance with Public Chapter 992.

For purposes of Public Chapter 992:

(1) "Caregiver" means an adult who provides care for a mentally or physically impaired person within this state, and who is related by blood, marriage, or adoption to, or shall be the legally appointed guardian of, the mentally or physically impaired person for whom the adult is caring; and

(2) "Temporary family healthcare structure" means a transportable healthcare environment that is specifically designed with environmental controls, biometric and other remote monitoring technology, sensors, and communication systems to support extended home-based medical care, rehabilitation, and the provision of home and community-based support and assistance for an older adult or person with a disability on the property where family members or unpaid caregivers who participate in the person's care reside. A temporary family healthcare structure:

(A) Is primarily assembled at a location other than its site of installation;

(B) Is limited to one occupant who shall be the older adult or person with a disability who requires extended home-based medical care, rehabilitation, or the provision of home and community-based support and assistance;

(C) Meets the accessibility guidelines of the federal department of housing and urban development and the Americans with Disabilities Act;

(D) Has no more than 500 gross square feet; and

(E) Complies with applicable provisions in present law governing healthcare facilities and codes adopted by a county. Placing the temporary family healthcare structure on a permanent foundation shall not be required or permitted.

Public Chapter 992 requires that, as part of the plan to expand cost-effective community-based residential alternatives to institutional care as required by the Long-Term Care Community Choices Act of 2008, the bureau of TennCare must seek written guidance from the centers for Medicare and Medicaid services regarding whether a temporary family healthcare structure may be covered in whole or in part under the program established by the Long-Term Care Community Choices Act of 2008, and, if so, upon appropriation by the general assembly specifically to cover temporary family healthcare structures, seek federal approval of a waiver amendment to offer such benefit to eligible older adults and persons with disabilities who choose temporary family healthcare structures in lieu of care in other settings. Any waiver approved pursuant to Public Chapter 992 will apply only to a person who:

(1) Meets the CHOICES 2 activities of daily living criteria;

(2) Meets present law financial eligibility requirements for medical assistance; and

(3) Is either: a person with a developmental or intellectual disability who is related to the owner or occupier of the property, or an older adult who is related to the owner or occupier of the property.

Public Chapter 992 takes effect on July 1, 2016.

# **APPENDIX "I"**

## **Basic Education Program**

Public Chapter 1020 deleted obsolete provisions regarding the basic education program (BEP) that are identified in the full text of Public Chapter 1020. Public Chapter 1020 also revised prior law regarding the BEP calculation.

### **PRIOR LAW**

Under prior law, the BEP was calculated using the following criteria:

(1) BEP appropriations to LEAs for the 2006-2007 school year, plus appropriations to LEAs generated for annual BEP component cost adjustments based on the 2006-2007 school year, constituted a base amount of funding;

(2) The state provided 75 percent of the funds generated for instructional positions within the classroom component;

(3) The dollar value of the BEP instructional positions component was \$38,000 for fiscal year 2007-2008, and was adjusted in subsequent fiscal years in accordance with the general appropriations act;

(4) The cost differential factor (CDF) was eliminated from the formula;

(5) The formula provided 100 percent funding for at-risk students in K-12;

(6) The formula provided funding for English language learner students at a ratio of 1:20 and 1:200 for teachers and translators, respectively;

(7) The formula recognized the ability of local jurisdictions to raise local revenues by measuring the ability to generate local revenues from property tax and local option sales tax. This calculation was based on applying the statewide average property tax rate for education and the statewide average local option sales tax rate for education to the respective tax bases of each local jurisdiction. No reduction could be made in any calculation of a local jurisdiction's ability to raise local revenues from property taxes for agreements entered into by the local jurisdiction that resulted in payments in lieu of taxes being made to the local jurisdiction;

(8) Each LEA received no less than a 25 percent state share in the nonclassroom components;

(9) No LEA's measurement of ability to raise local revenue could be adjusted more than 40 percent within the BEP formula in any single year; and

(10) The formula provided 50 percent funding for medical insurance premiums for instructional positions.

Prior law provided that the changes in components or factors of the BEP implemented under chapter 369 of the Public Acts of 2007 were to be phased in, in accordance with funding as made available each fiscal year through the general appropriations act.

### **THIS ACT**

Public Chapter 1020 rewrote the above provisions. Under Public Chapter 1020, effective in the 2016-2017 fiscal year, the BEP will be calculated using the following criteria:

(1) BEP appropriations to LEAs for the 2015-2016 school year, plus appropriations to LEAs generated for increases in the dollar value of instructional components based on the 2015-2016

school year will constitute a minimum level of funding; however, any LEA on stability funding during the 2015-2016 school year will have its minimum level of funding adjusted to reflect decreases in enrollment experienced in the 2014-2015 school year; and beginning with the 2017-2018 school year, the minimum level of funding will be adjusted to reflect decreases in enrollment;

(2) The BEP will include the following four categories of components: instructional salaries and wages; instructional benefits; classroom; and nonclassroom. The state will provide 70 percent of the funds generated for components within the instructional salaries and wages category; 70 percent of the funds generated for components within the instructional benefits category; 75 percent of the funds generated for components within the classroom category; and 50 percent of the funds generated for components within the nonclassroom category;

(3) The dollar value of the BEP instructional salaries and wages position component will be \$44,430 for fiscal year 2016-2017 and may be adjusted in subsequent fiscal years in accordance with the general appropriations act;

(4) The CDF will be funded at 25 percent in fiscal year 2016-2017 and eliminated from the formula in subsequent years as increases are made to the instructional salary and wages component;

(5) The funds generated for medical insurance in the BEP will be based on 12 months of employment;

(6) The formula will provide 100 percent funding for at-risk students in K-12;

(7) The formula will provide funding for English language learner students at a ratio of 1:20 and 1:200 for teachers and translators, respectively;

(8) The formula will provide funding for special education personnel based on the level and extent of services provided and related to the student's individualized education program (IEP). The state board of education will address the special education options and caseload allocations within the formula in a manner that provides a child with a disability a free and appropriate public education according to the unique needs of the child, as described in the child's IEP. To ensure the formula does not create a disincentive to placing the child in the least restrictive environment according to the individual student's needs, the 2015-2016 school year options and caseload allocations will be condensed as follows with future revisions made pursuant to current law concerning the BEP funding procedure:

(A) Option 1 (Option 1 in the 2015-2016 school year) = 91;

(B) Option 2 (Options 2 and 3 in the 2015-2016 school year) = 58.5;

(C) Option 3 (Options 4-6 in the 2015-2016 school year) = 16.5; and

(D) Option 4 (Options 7-10 in the 2015-2016 school year) = 8.5;

(9) The dollar value of the classroom technology component will be \$40 million and may be adjusted in accordance with the general appropriations act;

(10) The formula will recognize the ability of local jurisdictions to raise local revenues by measuring the ability to generate local revenues from property tax and local option sales tax. This calculation will be based on applying the statewide average property tax rate for education and the statewide average local option sales tax rate for education to the respective tax bases of each local jurisdiction. No reduction will be made in any calculation of a local jurisdiction's ability to raise local revenues from property taxes for agreements entered into by the local jurisdiction that result in payments in lieu of taxes being made to the local jurisdiction. The formula will also recognize the ability of local jurisdictions to raise local revenues as determined by the multiple regression analysis model developed by the Tennessee advisory commission on intergovernmental relations. The formula will equally weight these two provisions;

(11) The formula will be student-based such that each student entering or exiting an LEA will impact generated funding; and

(12) Each LEA will receive no less than a 25 percent state share in the nonclassroom components.

The changes in components or factors of the BEP implemented by Public Chapter 1020 will be implemented in accordance with funding as made available through the general appropriations act.

## OTHER PROVISIONS

Prior law provided that when any LEA allowed any licensed personnel at the beginning of or during the preceding school term, an amount in addition to the salary that was required for such personnel under the state salary schedule in effect at the beginning of or during the preceding school term and which additional amount is paid entirely out of local funds, then the LEA must continue to pay the additional amount out of local funds. Public Chapter 1020 rewrote this provision and instead provides that when funds are appropriated through the BEP funding formula for instructional salaries and wages, all such funds must be expended on instructional salaries and wages; however, if an LEA's average licensed salary exceeds the statewide average salary, such funds may also be expended on instructional benefits. Public Chapter 1020 requires the department of education to make adjustments to each LEA's required expenditure to account for any unfunded growth in the prior year and the loss of any instructional funding appropriated for the 2015-2016 school year. Additionally, the salary figure recognized by the BEP review committee to analyze salary disparity pursuant to current law will be utilized to determine whether an LEA qualifies to expend instructional salary and wage funds on instructional benefits.

Public Chapter 1020 requires an LEA to maintain its budgeted level of local funding for salaries and wages from the prior year, with exceptions made for loss of enrollment, and prohibits an LEA from utilizing increases in state funding for instructional salaries and wages to offset local expenditures in these categories.

Current law requires the commissioner, in consultation with the comptroller of the treasury, to develop, revise as necessary and prescribe a standardized system of financial accounting and reporting for all LEAs, including appropriate forms or other documentation. The commissioner must also review the fiscal public school records in all LEAs to the end that the expenditure of funds, whether for current operation and maintenance purposes or capital outlay purposes and other school purposes, are properly accounted for and safeguarded. Public Chapter 1020 adds that as part of these requirements, the commissioner must develop a standardized system of financial accounting and reporting whereby LEAs report revenue allocations at the school level, including public charter schools.

Public Chapter 1020 took effect on April 28, 2016.

## **APPENDIX "J"**

### **Pain Management Clinics**

Public Chapter 1033 adds to the present law requirements for the operation of a pain management clinic (PMC), including adding a licensure requirement.

#### **LICENSURE, INSPECTION, REPORTING**

Generally under present law, a PMC must submit to the department of health an application for certificate to operate. The certificate holder must be one of the owners of the clinic. Among other things, a completed form for a certificate prescribed by the department must show proof that the clinic has a medical director who is a pain management specialist, as described in present law. A certificate holder must be a licensed physician or osteopathic physician, advanced practice nurse, or physician assistant, who practices in this state with an unrestricted, unencumbered license. Each licensed healthcare practitioner who provides services at a pain management clinic is regulated only by the board which has issued a license to that practitioner.

Public Chapter 1033 requires licensure to operate a PMC; makes the operation of a PMC without a license a Class A misdemeanor; and authorizes the commissioner of health, through the attorney general's office, to seek injunctive relief to enjoin a person from operating a PMC in violation of Public Chapter 1033. Public Chapter 1033 also provides for a civil penalty for a person who aids in a violation or requires a person to violate this bill, with the maximum penalty being \$5,000 for each violation.

Public Chapter 1033 sets out in detail the requirements for obtaining a license. Licenses will be issued to medical directors. Among the requirements for licensure is that the department must first inspect the PMC and the PMC must be in compliance with statutory and regulatory requirements for PMCs before a license is issued. Public Chapter 1033 specifies that in order to transition regulation of PMCs to a system of licensure, the department may require the licensure of a clinic with a certificate holder on the date of the expiration of the certificate. The PMC may continue to operate until the certificate expires, and the certificate will be deemed to be a license until it expires. The medical director must show that the medical director is able to comply with minimum standards for a pain management clinic and pay any required fees. In addition to the requirements that must be met for licensure as detailed in Public Chapter 1033, the commissioner will be required to promulgate additional licensure requirements that define appropriate health and safety standards necessary to protect the health and welfare of residents, and additional financial requirements. Public Chapter 1033 also details behaviors that will be grounds for the denial, suspension, or revocation of a PMC license.

Public Chapter 1033 prohibits an owner of a PMC from locating or participating in locating a pharmacy in which any owner has an ownership interest in a location that is adjacent to the location of the PMC. Such action will result in revocation of the PMC license.

For the purposes of determining if a health care provider's office is operating as a pain management clinic, Public Chapter 1033 authorizes the department of health to conduct an unannounced inspection process that may include a record or chart review when the department has obtained reasonable suspicion that the office is operating as an unlicensed pain management clinic. If



the office is unable during the inspection process to provide evidence that the office did not meet the definition of a pain management clinic, there will be a rebuttable presumption that the office was operating as a pain management clinic in any administrative proceeding arising from such inspection process. Any health care provider's office presumed to be operating an unlicensed pain management clinic will be prohibited from admitting any new patients to the practice immediately upon receipt of written notice to any provider at the clinic and all owners and providers at such clinic will be subject to a hearing before the licensee's licensing board to consider whether the individual's license to practice should be revoked or otherwise disciplined. Public Chapter 1033 authorizes the commissioner to promulgate rules providing for an informal advisory administrative hearing by a panel appointed by the commissioner to review the department's determination regarding the unlicensed operation of the clinic and to provide nonbinding recommendations to the commissioner concerning those determinations. The informal administrative hearing will not be subject to the Uniform Administrative Procedures Act (UAPA). Individuals appointed to any panel will be considered "state employees" for purposes of provisions governing defense of state employees and the board of claims.

Public Chapter 1033 specifies nine circumstances, under which the commissioner of health will be authorized to deny, suspend, revoke, or otherwise discipline or restrict a PMC license or licensee, subject to an opportunity for a hearing that complies with the UAPA.

Public Chapter 1033 authorizes the commissioner to suspend treatment of patients at any PMC where the conditions of the clinic are, or are likely to be, detrimental to the safety of the patient. The PMC will be entitled to a hearing on the matter. In the event a suspension affects existing patients, the PMC will be required to provide written notice and other appropriate notice to patients. The PMC must develop a transition plan to maintain continuity of care for the patients and to minimize the impact of transition to alternative care arrangements. Monitors may be appointed during a suspension of treatment. Public Chapter 1033 specifies additional details and other requirements pertaining to such suspensions.

Public Chapter 1033 requires the medical director of each PMC to annually report to the department of health various items, such as the number of physicians and advanced practice nurses working in the clinic for each month, the number of patients being treated at the clinic, and the number of patients who have overdosed or died during the year.

Any licensee or applicant aggrieved by a decision of the department may request a hearing before the commissioner.

## OTHER PROVISIONS

Public Chapter 1033 requires that any rule that is promulgated to implement the laws concerning pain management clinics be provided to the chairs of the health committee of the house of representatives and the health and welfare committee of the senate by the secretary of state, after approval by the attorney general and reporter, at the same time the text of the rule is made available to the government operations committees of the senate and the house of representatives for purposes of conducting rule review, in order for the health committee of the house of representatives and the health and welfare committee of the senate to be afforded the opportunity to comment on the rule.

Public Chapter 1033 took effect on April 28, 2016, for the purpose of promulgating rules. For all other purposes, Public Chapter 1033 takes effect on July 1, 2017.

## **APPENDIX "K"**

### **Certificates of Need**

Public Chapter 1043 revises the provisions of law governing certificates of need, as follows:

(1) Public Chapter 1043 removes the requirement for a certificate of need for the following: modification of a healthcare institution, other than a hospital, including renovations and additions to facilities, where such modification requires a capital expenditure greater than \$2 million, or in the case of a hospital where such modification requires a capital expenditure greater than \$5 million; initiation of the services of extracorporeal lithotripsy, swing beds, or rehabilitation or hospital-based alcohol and drug treatment for adolescents provided under a systematic program of care longer than 28 days; the acquisition by any person of major medical equipment for service to patients, the cost of which, exclusive of renovations or modifications, exceeds \$2 million; the discontinuation of any obstetrical or maternity service; and the closing of any hospital that has been designated as a critical access hospital under the Medicare rural flexibility program or the elimination in the hospital of any services for which a certificate of need is required. Public Chapter 1043 also removes birthing centers from the definition of healthcare institutions for purposes of certificates of need.

(2) Public Chapter 1043 adds providing the service of organ transplantation, the initiation of which requires a certificate of need [except as discussed below in (6)]. Public Chapter 1043 also revises the requirements for a certificate of need for the service of magnetic resonance imaging to make the certification requirement applicable in the following situations: in any county with a population in excess of 250,000, only for providing magnetic resonance imaging to pediatric patients; in any county with a population of 250,000 or less, for providing magnetic resonance imaging to any patients; and in any county with a population of 250,000 or less, increasing the number of magnetic resonance imaging machines by one or more, except for replacing or decommissioning an existing machine. [See (4) below for other MRI-related provisions].

(3) Under the law in effect prior to July 1, 2016, a hospital with fewer than 100 licensed beds may increase its total number of licensed beds by 10 beds over any period of one year without obtaining a certificate of need. The hospital must provide written notice of the proposed increase in beds to the agency on forms provided by the health services and development agency, prior to the hospital's request for review to the board of licensing healthcare facilities. Public Chapter 1043 rewrites this provision and instead provides the following:

(A) No more frequently than one time every three years, a hospital, rehabilitation facility, or mental health hospital may increase its total number of licensed beds in any bed category by 10 percent or less of its licensed capacity at any one campus over any period of one year for any services or purposes it is licensed to perform without obtaining a certificate of need. The hospital, rehabilitation facility, or mental health hospital must provide written notice of the increase in beds to the agency on forms provided by the agency prior to the request for licensing by the board for licensing healthcare facilities or the department of mental health and substance abuse services, whichever is appropriate. For new hospitals, rehabilitation facilities, or mental health hospitals, the 10-percent increase cannot be requested until one year after the date all of the new beds were initially licensed; and

(B) A hospital, rehabilitation facility, or mental health hospital may not: increase its number of licensed beds for any service or purpose for which it is not licensed to provide; or redistribute beds within its bed complement to a different category.

(4) Public Chapter 1043 requires any person who provides magnetic resonance imaging services to file an annual report by March 1 of each year with the agency concerning adult and

pediatric patients detailing the mix of payors by percentage of cases for the prior calendar year for its patients, including private pay, private insurance, uncompensated care, charity care, Medicare, and Medicaid. In any county with a population of more than 250,000, a person who initiates MRI services must notify the agency in writing that imaging services are being initiated and must indicate whether pediatric patients will be provided imaging services.

(5) Public Chapter 1043 requires that an application for certificate of need for organ transplantation separately identify each organ to be transplanted under the application; and state, by organ, whether the organ transplantation recipients will be adult patients or pediatric patients. After an initial application for transplantation has been granted, the addition of a new organ to be transplanted or the addition of a new recipient category will require a separate certificate of need, with similar information required to be provided.

(6) Public Chapter 1043 adds that for the purposes of certificate of need approval for organ transplant programs, any program submitted to the United Network for Organ Sharing (UNOS) by January 1, 2017, will not be required to obtain a certificate of need. If the program ceases to be a UNOS-approved program, then a certificate of need will be required. Public Chapter 1043 adds, in regard to an outpatient diagnostic center, that after receiving a certificate of need, such a center must become accredited by the American College of Radiology in the modalities provided by that facility within a period of time set by rule by the agency as a condition of receiving a certificate of need.

(7) Public Chapter 1043 adds that the agency must maintain continuing oversight over any certificate of need that it approves on or after July 1, 2016. Oversight by the agency includes requiring annual reports concerning continued need and appropriate quality measures as determined by the agency. The agency may impose conditions on a certificate of need that require the demonstration of compliance with continued need and quality measures; provided, that conditions for quality measures may not be more stringent than those measures identified by the applicant in the applicant's submitted application.

(8) Public Chapter 1043 provides that if an applicant's application is denied by the agency, then the applicant will receive on request a refund equal to 25 percent of the examination fee for its application. Under Public Chapter 1043, if a person, who is not the applicant or the agency, seeks review of a decision in a contested case, then that person must file an appeal fee equal to 25 percent of the examination fee for the application that was filed in the case.

(9) Public Chapter 1043 requires facilities to meet quality standards and adds to the list of violations for which a civil penalty may be imposed the failure to meet a quality standard applicable to the violator.

(10) Under the law in effect prior to July 1, 2016, the agency has the power and authority, after notice and an opportunity for a hearing, to impose a civil monetary penalty against any person who performs, offers to perform, or holds such person out as performing any activity for which a certificate of need is required, without first obtaining a valid certificate of need. A civil penalty proceeding must be initiated by the executive director of the agency with the filing of a petition with the agency. The civil penalty is in an amount not less than \$100 nor more than \$500 per day of continued activity or operation. Once a civil penalty has been imposed, the violator has the burden of submitting verifiable evidence satisfactory to the agency that the violator has discontinued the activity for which the civil penalty was imposed. The penalty begins to accrue on the date the agency notified the violator of such violation or violations, and continues to accrue until such evidence of discontinuance is received at the agency office. The law in effect prior to July 1, 2016, sets out factors to be considered in determining whether to impose a civil penalty and the amount of the penalty.

Public Chapter 1043 rewrites the above provisions. Under Public Chapter 1043, all fees and civil penalties, with the exception of fees established pursuant to provisions regarding the state health planning division, must be paid by the health services and development agency or the collecting

agency to the state treasurer and deposited in the state general fund and credited to a separate account for the agency. Fees include, but are not limited to, fees for the application of certificates of need, subscriptions, project cost overruns, copying, and contested cases. Disbursements from that account must be made solely for the purpose of defraying expenses incurred in the implementation and enforcement of certificate of need laws by the agency. Funds remaining in the account at the end of any fiscal year will not revert to the general fund but will remain available for expenditure in accordance with law. Public Chapter 1043 requires the agency to prescribe fees by rule. The fees must be in an amount that provides for the cost of administering the implementation and enforcement of the laws by the agency. Fees prescribed by the agency will be adjusted as necessary to provide that the account is fiscally self-sufficient and that revenues from fees do not exceed necessary and required expenditures.

(11) Public Chapter 1043 requires the agency, in consultation with the state health planning division and the board for licensing healthcare facilities or the department of mental health and substance abuse, to develop measures by rule for assessing quality for entities that, on or after July 1, 2016, receive a certificate of need. In developing quality measures, the agency may seek the advice of stakeholders with respect to certificates of need for specific institutions or services. If the agency determines that an entity has failed to meet the quality measures, the agency must refer that finding to the board for licensing healthcare facilities or department of mental health and substance abuse services for appropriate action on the license of the entity. If the agency determines that an entity has failed to meet any quality measure imposed as a condition for a certificate of need by the agency, the agency may impose penalties or revoke a certificate of need.

Public Chapter 1043 applies to applications filed on or after July 1, 2016.

## **APPENDIX "L"**

### **Tax Relief**

The One Hundred and Ninth General Assembly passed a pair of bills that reduced state taxes. Public Chapter 1064 reduced the Hall Income Tax and Public Chapter 1065 reduced the amount of property tax that certain persons must pay.

#### **PUBLIC CHAPTER 1064**

Current law levies a tax, known as the Hall income tax, on incomes derived from dividends from stocks and interest on bonds. Prior law set the rate of the Hall income tax at six percent. Public Chapter 1064 reduced the rate of the Hall income tax to five percent. Public Chapter 1064 expresses the legislative intent that the Hall income tax be reduced annually by one percent through enactments of general bills beginning with the first annual session of the 110th General Assembly. Public Chapter 1064 eliminates the Hall income tax for tax years that begin on or after January 1, 2022.

Public Chapter 1064 took effect on May 20, 2016, and applies to tax years beginning on or after January 1, 2016.

#### **PUBLIC CHAPTER 1065**

Under current law, there is paid from the general funds of the state to certain disabled veterans the amount necessary to pay or reimburse such taxpayers for all or part of the local property taxes paid for a given tax year on that property that the disabled veteran owned and used as the disabled veteran's residence. Under current law, the reimbursement is paid on the first \$100,000 of the full market value of such property. Public Chapter 481 of 2015 (the "Save the Tax Relief Act") limited eligibility for property tax relief for disabled veteran taxpayers to eligible veterans whose annual income did not exceed \$60,000 and required those taxpayers seeking relief to submit proof and documentation of their annual incomes. Public Chapter 1065 removed the annual income limit, thereby restoring eligibility for the tax relief to all veterans who have a qualifying disability.

Also, under prior law, the reimbursement for property tax for low-income, elderly homeowners and for disabled homeowners was paid on the first \$23,000, or such other amount set in the general appropriations act, of the full market value of the property. Public Chapter 1065 increased the amount on which reimbursement will be paid from the first \$23,000 to the first \$23,500.

Public Chapter 1065 took effect on May 20, 2016.